

October 22, 2003

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 02-30857
Conference Calendar

SHIRLEY JOHNSON,
on behalf of Kioki Johnson,
Individually and Tutor,

Plaintiff-Appellant,

versus

SCHOOL BOARD VERMILION PARISH; ET AL.,

Defendants,

SCHOOL BOARD VERMILION PARISH,

Defendant-Appellee.

Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 99-CV-1889

Before KING, Chief Judge, and JOLLY and STEWART, Circuit Judges.

PER CURIAM:*

Proceeding *pro se* and *in forma pauperis*, Shirley Johnson,
acting on behalf of her minor daughter, Kioki, appeals the
magistrate judge's dismissal of her harassment suit brought under
Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681.

* Pursuant to 5TH CIR. R. 47.5, the court has determined
that this opinion should not be published and is not precedent
except under the limited circumstances set forth in 5TH CIR.
R. 47.5.4.

Johnson contends, in a single paragraph in the argument section of her appellate brief, that the magistrate judge erred in determining that the defendant's response to the sexual harassment allegations fell short of the deliberate indifference required for recovery. Johnson's brief is inadequate to preserve this issue for appeal since she neither refers to the record nor cites legal authority. FED. R. APP. P. 28(a)(9). Accordingly, she has waived this claim. See Yohey v. Collins, 985 F.2d 222, 224-25 (5th Cir. 1993)(issues must be properly briefed to be preserved for appeal). In any event, the evidence adduced at trial supports the magistrate judge's findings. See Davis v. Monroe County Bd. of Educ., 526 U.S. 629, 643, 650 (1999).

AFFIRMED.