

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

No. 15-20652

United States Court of Appeals
Fifth Circuit

FILED

July 29, 2016

Lyle W. Cayce
Clerk

SCWYANA SMITH,

Plaintiff - Appellant

v.

HOUSTON INDEPENDENT SCHOOL DISTRICT,

Defendant - Appellee

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:12-CV-3083

Before WIENER, CLEMENT, and COSTA, Circuit Judges.

PER CURIAM:*

Plaintiff-Appellant Scwyana Smith, proceeding *pro se*, appeals the summary judgment of the district court in favor of Defendant-Appellee Houston Independent School District (“HISD”) dismissing her claims under Title VII of the Civil Rights Act of 1964. We affirm.

In 2011, HISD implemented a reduction in force in response to a statewide budget shortfall. Smith was an at-will employee at the time, holding

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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the position of General Clerk III, as did three other African American employees. HISD notified all four that two of the positions would be eliminated. It then interviewed the four employees and assigned letter grades based on their performances. Smith and another General Clerk III employee were terminated.

Smith challenged her termination through internal school district grievance procedures and then through the Equal Employment Opportunity Commission (“EEOC”). Neither HISD nor the EEOC found any violations. She then brought suit under Title VII for religious discrimination, race discrimination, age discrimination, sex discrimination, retaliation, and disparate impact. The district court dismissed her age and sex discrimination claims as not properly exhausted. The court subsequently granted summary judgment for HISD on Smith’s remaining claims, concluding that she had failed to make a prima facie case of race discrimination, religious discrimination, and retaliation, and that she had not properly exhausted her disparate impact claim.

Our detailed review of the entire record on appeal, including the briefs of the parties and the record excerpts, leads us to conclude that the district court committed no reversible error in any of its rulings. We therefore affirm that court’s summary judgment, in all respects.¹

¹ We deny Smith’s motion to strike HISD’s Appellee Brief, and grant HISD’s motion to supplement the record.