

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

August 15, 2023

Lyle W. Cayce
Clerk

No. 22-30646

LESLIE C. BELLO,

Plaintiff—Appellant,

versus

DOCTOR PATRICK COOPER, *in his individual capacity*; ERNEST E.
GARRETT, III, *in his official capacity as the superintendent of the special
school district of the LA Dept of Education,*

Defendants—Appellees.

Appeal from the United States District Court
for the Middle District of Louisiana
USDC No. 3:20-CV-88

Before WIENER, GRAVES, and DOUGLAS, *Circuit Judges.*

JAMES E. GRAVES, JR., *Circuit Judge:**

Leslie C. Bello appeals the district court's grant of summary judgment to the defendants and dismissal of her action for injunctive relief, defamation, and retaliation under 42 U.S.C. § 1983 and Louisiana state law. Finding no error, we AFFIRM.

* This opinion is not designated for publication. *See* 5TH CIR. R. 47.5.

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I.

Louisiana has a Special School District (SSD) that provides educational services to approximately 1,800 students across the state who have low-incidence disabilities and other unique needs. The SSD operates three schools – Louisiana School for the Deaf in Baton Rouge, Louisiana School for the Visually Impaired (LSVI) in Baton Rouge, and Louisiana Special Education Center (LSEC) in Alexandria. Bello began working at LSVI in 2009 and became director in 2018. Dr. Patrick Cooper was appointed as the interim superintendent of the SSD in 2018 and remained in that position until June 2019. His permanent appointment required confirmation by the Louisiana Senate.

II.

Bello asserts that Cooper found out she had sent three personal emails expressing her opposition to his senate confirmation and demanded to search her personal cell phone. Bello also says that Cooper told her if she refused, she could resign or would be terminated. Thus, Bello says that she was constructively discharged on February 28, 2019 for protected speech. Thereafter, Bello filed an action for retaliation under 42 U.S.C. § 1983 against Cooper, individually, and the current Superintendent of the SSD, Ernest Garrett, III, in his official capacity, for damages and injunctive relief. Bello also asserted that Cooper had defamed her under state law, and she asked for reinstatement from Garrett if her constitutional claims against Cooper succeeded.

The district court granted summary judgment to Cooper and Garrett on all issues and dismissed the action. In concluding that there was no genuine dispute of any material fact, the district court made several findings, key among them were the following: 1) Bello was called to a meeting with Cooper and others on February 28, 2019, regarding her interference in an

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official investigation of alleged sexual misconduct at the LSEC – Bello first denied and then admitted that she had interfered, which led to her being given the choice to resign or be terminated; 2) Bello was unable to establish that her protected speech caused the adverse employment action; 3) there was no evidence that Cooper even knew about her protected speech at that time; 4) even if Cooper had known of the protected speech, he was easily able to show that he would have taken the same action in its absence; and 5) Bello was unable to establish pretext. The record supports the district court’s findings.

After consideration of the briefs, record, and applicable law, the order of the district court is **AFFIRMED**.