

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 92-7749
Summary Calendar

VERNA TILLMAN,

Plaintiff-Appellant,

VERSUS

GEORGIA PACIFIC CORPORATION,

Defendant-Appellee.

Appeal from the United States District Court
for the Northern District of Mississippi
CA WC 91 128 B D

June 11, 1993

Before HIGGINBOTHAM, SMITH, and DeMOSS, Circuit Judges.

PER CURIAM:*

In this employment discrimination action brought pursuant to title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e et seq., the plaintiff, Verna Tillman, appeals pro se only the district court's denial of her motion to alter or amend judgment made pursuant to FED. R. Civ. P. 59(e). We perceive no abuse of discretion and affirm.

* Local Rule 47.5.1 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that rule, the court has determined that this opinion should not be published.

The district court correctly granted the unopposed motion of the defendant, Georgia Pacific Corporation, for summary judgment on the ground that Tillman, then represented by counsel, had failed to comply with the ninety-day limitations period for title VII actions contained in 42 U.S.C. § 2000e-5(f)(1)(d). The only basis for relief in the rule 59(e) motion was that the ninety-day period was tolled by the pendency of a motion filed by another person to add Tillman as a plaintiff in an unrelated action. This argument is foreclosed by Price v. Digital Equip. Corp., 846 F.2d 1026, 1027 (5th Cir. 1988) (per curiam), in which we held that the pendency of one title VII action does not toll the running of the limitations period for a second title VII action brought by the same plaintiff. Surely, this reasoning applies with even more effect where the motion in the second action is by a different person.

We also observe that after the denial of the motion to add Tillman as a plaintiff in the unrelated case, she still had twenty days to file the instant suit timely, but did not do so. Moreover, Tillman did not even respond to the motion for summary judgment.

For all of the foregoing reasons, the district court did not abuse its discretion in denying the rule 59(e) motion. Its order denying the motion, accordingly, is AFFIRMED.