

UNITED STATES COURT OF APPEALS
FIFTH CIRCUIT

No. 93-1820

(Summary Calendar)

SHARON ATKINS,

Plaintiff-Appellant,

versus

TANDY CORPORATION and
GERI KLAUCK, Manager,
Rent Accounting Dept.,

Defendants-Appellees.

Appeal from the United States District Court
for the Northern District of Texas
(4:93-CV-410-Y)

(March 31, 1994)

Before JOLLY, WIENER, and EMILIO M. GARZA, Circuit Judges.

EMILIO M. GARZA, Circuit Judge:*

Proceeding pro se, Sharon Atkins appeals the district court's dismissal without prejudice of her claims of race and gender discrimination brought pursuant to Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e et seq. (1988). Because the district court correctly determined that Atkins failed to exhaust her administrative remedies by first obtaining a right-to-sue

* 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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

letter from the Equal Employment Opportunity Commission ("EEOC"), see 42 U.S.C. § 2000e-5; *Nilsen v. City of Moss Point, Mississippi*, 621 F.2d 117, 120 (5th Cir. 1980), we affirm.

We further hold that Atkins' appeal is frivolous, as she does not even address her failure to meet the jurisdictional prerequisites for a Title VII action. See *Coghlan v. Starkey*, 852 F.2d 806, 811 (5th Cir. 1988) ("An appeal is frivolous if the result is obvious or the arguments of error are wholly without merit."). Consequently, we award appellee its attorneys' fees associated with the defense of this appeal. See Fed. R. Civ. P. 38. We remand to the district court for the assessment of the fees. See *Olympia Co., Inc., v. Celotex Corp.*, 771 F.2d 888, 894 (5th Cir. 1985), *cert. denied*, 110 S. Ct. 73 (1989). We further caution Atkins that the continued filing of frivolous appeals in this Court will lead to the imposition of further sanctions.

Judgment AFFIRMED; REMANDED for assessment of attorneys' fees.