IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 93-7049
Summary Calendar

AUDIEL HIGAREDA and GERARDO TREVINO,

Plaintiffs-Appellants,

v.

UNITED STATES POSTAL SERVICE, ET AL.,

Defendants-Appellees.

Appeal from the United States District Court
for the Southern District of Texas
(CA B90 221)

(September 23, 1993)

Before DAVIS, JONES and DUHÉ, Circuit Judges.[*]

PER CURIAM:

In this Title VII-related case, appellants Higareda and Trevino appeal only the district court's denial of injunctive relief. They sought an injunction as a remedy for the postal service's alleged retaliation against them for having filed or asserted Title VII discrimination claims. Finding no error, we affirm.

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[*]Local Rule 47.5 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 Pursuant to that Rule, the Court has determined that this opinion should not be published.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 claims of Higareda and Trevino are not related. Postal service employee Higareda filed an EEOC complaint on September 7, 1990, alleging that he was retaliated against at a softball game over the Memorial Day weekend of that year. Although the game was not officially sponsored by the post office, his post office supervisor allegedly shut down his T-Shirt concession and harassed him. Trevino was fired by the post office on February 1, 1991. He appealed to the Merit Systems Protection Board that this termination was in retaliation for his earlier EEO complaints. Trevino settled the termination dispute with the post office by entering a "last chance settlement" in May, 1991. Under the settlement, he remained a post office employee and dismissed the appeal. No EEO retaliation charge seems to have been filed.

Contrary to appellants' assertions, it is well settled that federal courts have no jurisdiction over federal employees' Title VII claims--including those for retaliation--until administrative remedies have been exhausted. Porter v. Adams, 639 F.2d 273, 276 (5th Cir. 1981), cited in Hampton v. IRS, 913 F.2d 180, 182 (5th Cir. 1990). This principle includes claims for injunctive relief based on alleged retaliation, inasmuch as a court has no authority to grant an injunction without some independent basis of federal jurisdiction. In Trevino's case, administrative remedies have not been exhausted, and the court properly concluded that it lacked jurisdiction. There is no evidence that Trevino filed a Title VII retaliation claim at all over his firing. And, although he did allege retaliation in his appeal of termination to

the Merit Systems Protection Board, that appeal was resolved in his favor by a consent and settlement, and MSPB retained jurisdiction. Thus, there was no adverse decision from which Trevino could appeal, much less seek injunctive relief.

Higareda's situation is somewhat different. Because 180 days elapsed after the filing of his EEO complaint, he exhausted his administrative remedies during the pendency of his case in federal court and became entitled to file suit. That fact does not, however, require remand or reconsideration of the denial of injunctive relief. Higareda's request for injunctive relief failed to specify the ongoing injuries he is suffering, the nature of the defendants' activities sought to be enjoined, why injunction would be a superior remedy to relief at law, and what kind of injunctive relief was sought. The complaint was unverified. Further, Higareda dallied for months before obtaining proper service of process and never responded to the postal service's motion to dismiss or for injunctive relief. During all the months that the case was pending in the district court, Higareda could have cured any and all of these deficiencies. He did not do so. As an equitable matter, injunctive relief is simply not appropriate.

For these reasons, the judgment of the district court is **AFFIRMED**.