

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 93-8753

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DONALD STADTNER,

Plaintiff-Appellant,

v.

UNIVERSITY OF TEXAS SYSTEM, ET AL.,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Western District of Texas  
(93 CA 19SS)

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(November 21, 1994)

Before WISDOM, KING and DUHÉ, Circuit Judges.

PER CURIAM:\*

We have considered the arguments made on appeal by the plaintiff-appellant Donald Stadtner, and we are persuaded that they are without merit. The district court properly dismissed Stadtner's claims for damages against the University of Texas System and the University of Texas at Austin for the reason that the State of Texas and its agencies are not "persons" within the meaning of 42 U.S.C. § 1983. Will v. Michigan Dept. of State

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 Pursuant to that Rule, the court has determined that this opinion should not be published.

Police, 109 S. Ct. 2304 (1989). The claims for damages against the named defendants in their official capacities were also properly dismissed under the doctrine of sovereign immunity. Further, Stadtner's claims for damages under the Texas Constitution for violation of his rights to procedural and substantive due process were properly dismissed for failure to state a claim upon which relief can be granted. See Gillum v. City of Kerrville, 3 F.3d 117 (5th Cir. 1993). Turning to Stadtner's claims against the named defendants in their individual capacities, we think that the district court properly dismissed those claims on the basis of qualified immunity. The record does not support Stadtner's argument that his termination was the result of the deprivation of his clearly established constitutional rights. Even if we were to assume arguendo that Stadtner's speech involved a matter of public concern, the record conclusively establishes that there was no causal connection between that speech and his dismissal.

The judgment of the district court is, therefore, AFFIRMED.