

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 94-30652
Summary Calendar

BRENDA L. GANHEART,

Plaintiff-Appellant,

versus

DEPARTMENT OF INTERIOR,
Bruce Babbitt, Secretary,

Defendant-Appellee.

Appeal from the United States District Court for the
Eastern District of Louisiana
(CA-93-2013-A c/w 93-2570)

(June 2, 1995)

Before KING, JOLLY, and DeMOSS, Circuit Judges.

E. GRADY JOLLY, Circuit Judge:*

Brenda L. Ganheart, the pro se plaintiff-appellant, was a librarian at defendant-appellee Mineral Management Service ("MMS"), a division of the United States Department of the Interior. Beginning in 1984 and continuing through her termination on July 10, 1992, Ganheart filed at least two complaints each year with the Equal Employment Opportunity Commission ("EEOC"), alleging MMS

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 Pursuant to that Rule, the court has determined that this opinion should not be published.

engaged in various discriminatory acts in violation of Title VII. Following her termination from MMS and exhaustion of administrative remedies, Ganheart filed a complaint in the United States District Court for the Eastern District of Louisiana, alleging MMS discharged her in retaliation for filing these complaints with the EEOC. Thereafter, Ganheart filed numerous additional complaints with the EEOC, alleging over sixty additional allegations of discriminatory conduct by MMS. Based on these allegations, Ganheart then filed a second suit in the district court, alleging basically that MMS followed a pattern or practice of discriminating against her. The district court consolidated these two Title VII cases. On May 27, 1994, the district court granted summary judgment in favor of MMS in the consolidated action and dismissed both complaints. The district court held that Ganheart failed to prove that "but for her protected EEO activity she would not have been subjected to the action of which she claims." Ganheart appealed. On April 6, 1995, a panel of this court affirmed the judgment of the district court. Ganheart v. Department of the Interior, No. 94-30382 (5th Cir. Apr. 6, 1995). Accordingly, the merits of Ganheart's Title VII discrimination claims are not now before this court.¹

¹Ganheart reargues in her brief the merits of her discrimination claim. Because a panel of this court affirmed the judgment of the district court, we will not reexamine this issue. See Alberti v. Klevenhagen, 46 F.3d 1347, 1351 (5th Cir. 1995) (stating law of case doctrine prohibits later panel from reexamining issue previously addressed by another panel in

On July 18, 1994, MMS filed with the district court a motion for the imposition of sanctions or contempt under Rule 11 of the Federal Rules of Civil Procedure and 28 U.S.C. § 1927 against Ganheart. MMS argued that Ganheart filed her suits only to harass MMS. Because the district court found that the real purpose underlying MMS's motion was to prevent Ganheart's "burdensome litigation devoid of legal or factual basis," the court entered an order of contempt to end Ganheart's "obsession with litigation." The court refused, however, to impose a monetary sanction against Ganheart under Rule 11. In the contempt order, the court required Ganheart to "submit any future complaints regarding discrimination during or after her employment by the Mineral Management Service to the Court for review before any summons may issue or before service of process." Ganheart now appeals this contempt order, arguing first that the district court had no basis to enter the order and second that the sanction imposed is too severe.

The district court has the power under 28 U.S.C. § 1651(a) to enjoin litigants who are "abusing the court system by harassing their opponents." Harrelson v. United States, 613 F.2d 114, 116 (5th Cir. 1980); see Villarreal v. Brown Express, Inc., 529 F.2d 1219, 1220-22 (5th Cir. 1976) (upholding district court's permanent injunction against prosecuting any future cause of action arising out of subject of present suit); see also Pickens v. Lockheed

subsequent appeal of same case).

Corp., 990 F.2d 1488, 1489 (5th Cir. 1993) (forbidding filing suit connected with present litigation without court approval), cert. denied, 114 S.Ct. 689 (1993). Here, the district court did not, as Ganheart contends, absolutely prohibit Ganheart from filing another complaint against MMS. Rather, the district court required only that she first file any complaints of employment discrimination arising from her termination from MMS with the district court for approval, prior to serving MMS. After a careful study of the briefs, and review of relevant parts of the record, we cannot say that the district court abused its discretion in entering such an injunction against Ganheart. The district court is therefore

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