UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 94-40452
Summary Calendar

HURIE JONES, Et Al.,

Plaintiffs-Appellants,

versus

SCHOOL BOARD OF BOSSIER PARISH, Et Al.,

Defendants-Appellees.

Appeal from the United States District Court
for the Western District of Louisiana
(91-CV-1713)

March 29, 1995

Before JONES, BARKSDALE, and BENAVIDES, Circuit Judges.

PER CURIAM:[1]

Hurie and Joycelyn Jones (the Joneses) appeal the judgment dismissing their Title VII claims against the School Board of Bossier Parish. Because the appeal is frivolous, it is **DISMISSED**.

I.

The Joneses were employed by the Board. In August 1989, while serving as Assistant Principal of Haughton High School, Mr. Jones was arrested after his daughter complained to authorities that he beat her with a flashlight. Jane Smith, Principal of Haughton High

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[1] 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 Pursuant to that rule, the court has determined that this opinion should not be published.

School and Mr. Jones' immediate supervisor, instructed Mr. Jones to stay away from the school until the matter regarding his daughter had been resolved. The daughter dropped the criminal charges; Mr. Jones returned to his duties as Assistant Principal, continuing to serve throughout the remainder of the 1989-90 school year.

Shortly before the 1990-91 school year began, Mr. Jones filed an action, seeking $5 million in damages, against Smith, his daughter and brother, and various local officials and police officers, contending that they had conspired to have him arrested and charged with beating his daughter in order to prevent him from advancing as an educator. At Smith's request, the Superintendent of Schools transferred Mr. Jones in 1990 to a position at the Nature Center, where his duties included performing manual labor. At trial, Smith and the Superintendent testified that the transfer was necessary, because it would have been impossible for Smith and Mr. Jones to work together in light of his action against her. Both before and after being transferred to the Nature Center, Mr. Jones applied for various administrative positions in the school system, but was not hired for any of them.

In February 1991, the Superintendent of Schools notified Mr. Jones that he would recommend to the Board that Mr. Jones' administrative contract not be renewed. The Superintendent testified that he made that recommendation because he feared the consequences of Mr. Jones serving in a capacity as a disciplinarian of students. Those fears stemmed from an investigation, undertaken after Mr. Jones had filed the action against Smith, which had

revealed that Mr. Jones had been arrested for beating his daughter 12 years earlier, while teaching in Jefferson Parish. Those charges were dropped; and, thereafter, Mr. Jones filed an action against his employer, and various law enforcement officials, alleging that they had conspired to have him arrested. The investigation also revealed that, while employed in Jefferson Parish, Mr. Jones had been reprimanded for throwing a male student against the wall and kneeing him in the groin. The School Board accepted the Superintendent's recommendation, and did not renew Mr. Jones' administrative contract.

In August 1991, the Joneses filed suit against the Board and numerous individuals, claiming that the defendants discriminated against them because of their race: (1) by placing Mrs. Jones in a professional assistance program (remediation), and refusing to hire her as a librarian; and (2) by transferring Mr. Jones, refusing to hire him for the administrative positions for which he applied, and refusing to renew his contract. They sought declaratory and injunctive relief, and compensatory and punitive damages under Title VII, the First and Fourteenth Amendments, 42 U.S.C. § 1983, and state law. Pursuant to the pretrial order, however, the case proceeded to trial, with an advisory jury, only on the Title VII claims.

In response to special interrogatories, the advisory jury found that the Board did not refuse to promote Mrs. Jones because of her race, and that it did not transfer or refuse to promote or to renew Mr. Jones' contract because of his race. The district

court agreed with the advisory jury's findings, and entered judgment for the Board.

II.

Although represented by counsel in the district court, the Joneses are proceeding *pro se* on appeal.[2] Although we liberally construe briefs filed by *pro se* litigants, we still require them to comply with the Federal Rules of Appellate Procedure and our local rules. *See, e.g.*, ***Yohey v. Collins***, 985 F.2d 222, 225 (5th Cir. 1993). Simply put, appellants have not done so. Although they list eight issues in the statement of issues in their opening brief, none of those issues contain any contentions regarding their Title VII claims, which were the only claims presented at trial and not abandoned in the pretrial order, but instead assert that the district court violated the First Amendment, the equal protection and due process provisions of the Fourteenth Amendment, and 42 U.S.C. §§ 1981, 1982, 1983, 1985(3), and 1986, by refusing to accept substantial evidence of various allegedly discriminatory actions, some of which were not raised in their complaint or at trial.

The Federal Rules of Appellate Procedure[3] provide that the statement of the case "shall first indicate briefly the nature of the case, the course of proceedings, and its disposition in the court below". Fed. R. App. P. 28(a)(4). Rather than describing

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[2] Mr. Jones testified at trial that he has a law degree.

[3] Because appellants filed their opening brief on November 14, 1994, we cite to the version of the Rules in effect at that time, prior to their amendment, effective December 1, 1994.

the course of proceedings and disposition of the instant case, as required by the rules, appellants' "Statement of the Case" describes a 1964 school desegregation case, to which they were not parties.

Rule 28(a)(4) requires that the statement of the facts contain "appropriate references to the record". Fed. R. App. P. 28(a)(4); *see also* 5th Cir. Loc. R. 28.2.3 ("Every assertion in briefs regarding matter in the record shall be supported by a reference to the page number of the original record where the matter relied upon is to be found."). Appellants' statement of facts (indeed, their entire brief) does not contain any references to the record. Of course, it would be impossible to furnish record citations for statements which refer to facts and evidence that are not in the record. Appellants' statement of facts contains many such statements. Moreover, attached to both their opening brief and their reply brief are numerous documents which are not part of the record on appeal. It is more than well-settled that we "will not ordinarily enlarge the record on appeal to include material not before the district court." ***United States v. Flores***, 887 F.2d 543, 546 (5th Cir. 1989).

Finally, appellants failed to comply with Rule 28(a)(5), which provides that the argument "must contain the contentions of the appellant on the issues presented, and the reasons therefor, with citations to the authorities, statutes, and parts of the record relied on", as well as "a concise statement of the applicable standard of review". Fed. R. App. P. 28(a)(5). Appellants'

argument contains no record citations; makes contentions about issues not raised in their complaint, pretrial order, or at trial; and refers on numerous occasions to matters outside the record. Appellants wholly ignore our standard of review, fail to discuss the evidence adduced at trial, and fail to assert any grounds which would support a conclusion that the district court erred in holding that the Board did not violate Title VII by discriminating against them on the basis of their race. In short, appellants' brief is a "hodgepodge of unsupported assertions, irrelevant platitudes, and legalistic gibberish." ***Crain v. Commissioner***, 737 F.2d 1417, 1418 (5th Cir. 1984).[4]

Appellants' utter disregard for the rules of appellate procedure provides ample justification for the dismissal of their appeal as frivolous. *See* 5th Cir. Loc. R. 42.2; ***Moore v. FDIC***, 993 F.2d 106, 107 (5th Cir. 1993) (dismissing appeal for failure to comply with appellate rules). The appeal is also frivolous because the appellants have failed to identify any grounds for reversing the conclusion that the Board did not discriminate against them on the basis of their race. The only evidence of discrimination in the record is appellants' subjective beliefs that the Board's decisions were motivated by race. Needless to say, such beliefs cannot support finding racial discrimination under Title VII.

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[4] The appellants' reply brief similarly disregards our procedural rules by, among other things, by raising new issues. *See* ***United Paperworkers Int'l Union v. Champion Int'l Corp.***, 908 F.2d 1252, 1255 (5th Cir. 1990) (issues raised for first time in reply brief are waived).

III.

For the foregoing reasons, the appeal is

DISMISSED.