

**IN THE UNITED STATES COURT OF APPEALS**

**FOR THE FIFTH CIRCUIT**

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No. 96-11126  
(Summary Calendar)

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LINDA NIRSCHL,

Plaintiff-Appellant,

versus

HARRIS METHODIST HOSPITAL,

Defendant-Appellee.

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Appeal from United States District Court  
from the Northern District of Texas  
(4:94-CV-717-Y)

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April 23, 1997

Before DAVIS, EMILIO M. GARZA, AND STEWART, Circuit Judges.

PER CURIAM:\*

This judgment is AFFIRMED, essentially for the reasons set forth in the district court's ORDER GRANTING MOTION TO DISMISS on August 7, 1996. The plaintiff sues for quid pro quo and hostile environment sexual harassment by a lesbian supervisor under Title VII. Plaintiff's claim is foreclosed by this court's holding in Garcia v. Elf Atochem N. Am., 28 F.3d 446, 451-52 (5th

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\* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

Cir. 1994) that same-sex harassment claims are not viable under Title VII. Though plaintiff argues that a very different claim is presented here than is covered by the Garcia holding, we are bound by the determination of subsequent panels which have recognized Garcia as binding precedent on the issue of same-sex harassment. See Blake v. City of Laredo, 58 F.3d 637 (5th Cir. 1995) (per curiam) unpublished and Oncale v. Sundowner Offshore Servs., Inc., 83 F.3d 118 (5th Cir. 1996).

AFFIRMED.