

UNITED STATES COURT OF APPEALS
For the Fifth Circuit

No. 97-20174
Summary Calendar

LYNISE NICHOLS,

Plaintiff-Appellant,

VERSUS

THE CITY OF SPRING VALLEY; JOHN COOK,

Defendants-Appellees.

Appeal from the United States District Court
For the Southern District of Texas
(H-95-CV-1219)

September 5, 1997

Before DUHÉ, DeMOSS and DENNIS, Circuit Judges.

PER CURIAM:¹

Plaintiff-Appellant sued the City and its police chief alleging violations of Title VII, and 42 U.S.C. § 1983. The district court granted the Defendants' motion to dismiss under Rule 12 (b)(6), and, in the alternative, their motion for summary judgment. We affirm.

Appellant is employed by the City as a motorcycle patrol officer, a position she actively sought. She claims, however, that

¹Pursuant to 5TH CIR. R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

she was discriminated against and retaliated against because she was treated differently than the male officers who have held that job. We do not here recite the details of her allegations or of the evidence offered in the summary judgment record. Our review of the evidence fully convinces us that Plaintiff-Appellant did not create a single issue of fact on the issues necessary for her to make a prima facie case. She does not show either retaliation or discrimination. We therefore affirm the grant of summary judgment. Having affirmed on that basis, we do not address the Rule 12(b)(6) issues.

AFFIRMED.