

UNITED STATES COURT OF APPEALS  
For the Fifth Circuit

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No. 99-41040  
Summary Calendar

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ELVIA DELEON,

Plaintiff-Appellant,

VERSUS

HARLINGEN CONSOLIDATED INDEPENDENT SCHOOL DISTRICT;  
SAN BENITO CONSOLIDATED INDEPENDENT SCHOOL DISTRICT;  
JOSE ANTONIO GONZALEZ, Individually and in his official  
capacity as Superintendent of Schools of San Benito  
Consolidated Independent School District,

Defendants-Appellees.

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Appeal from the United States District Court  
For the Southern District of Texas

(B-98-CV-72)

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July 14, 2000

Before HIGGINBOTHAM, DeMOSS, and STEWART, Circuit Judges.

PER CURIAM:\*

Elvia DeLeon sued Harlingen Consolidated Independent School District ("HCISD") and San Benito Consolidated Independent School District ("SBCISD") and Jose Antonio Gonzalez ("Gonzalez")

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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

individually, in state district court in Cameron County, Texas, in November 1997, alleging breach of contract and civil conspiracy to deprive her of a teaching position under state and federal statutes and the Constitution. DeLeon asserts that she entered a teaching contract with SBCISD in July 1995, which was subsequently canceled in August 1995 by Gonzalez because he learned from sources at HCISD that DeLeon had trouble with students when she was teaching at HCISD. The case was removed to Federal District Court in Brownsville on federal question jurisdiction and the district judge referred the matter to the magistrate judge for report and recommendation. Defendant moved for summary judgment on various grounds and the magistrate judge recommended granting summary judgment on statute of limitations and failure of DeLeon to prove existence of any contract with SBCISD. The district judge, after de novo review, adopted the report of the magistrate judge and granted summary judgment in favor of all defendants against DeLeon. DeLeon timely appeals to this Court.

We have carefully reviewed the briefs, the reply brief, the record excerpts, and relevant portions of the record itself. For the reasons stated by the magistrate judge in his Report and Recommendation filed under date of June 22, 1999, we AFFIRM the Order and Final Judgment entered herein on July 26, 1999.

**AFFIRMED.**