

**UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

**No. 99-51054
consolidated with No. 00-50061**

AZALEA SMARTT

Plaintiff - Appellant,

versus

**LAWRENCE H. SUMMERS,
Secretary of United States Department of Treasury,
in his Official Capacity as Agency Head**

Defendant - Appellee.

**Appeals from the United States District Court
for the Western District of Texas
(SA-98-CV-990)**

December 8, 2000

Before BARKSDALE, EMILIO M. GARZA and BENAVIDES, Circuit Judges.

PER CURIAM:*

AFFIRMED. See 5th Circuit Rule 47.6.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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