United States Court of Appeals
Fifth Circuit

F I L E D

June 22, 2004

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

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No. 03-11023
Summary Calendar

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CHARLENE GARRETT

Plaintiff-Appellant

versus

CELANESE CORPORATION

Defendant-Appellee

_____

Appeal from the United States District Court for
the Northern District of Texas, Dallas Division
(No. 3:02-CV-1485-K)

_____

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

PER CURIAM:[*]

Charlene Garrett sued Celanese Corporation alleging claims of racial discrimination under Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, et seq., racial discrimination and retaliation under 42 U.S.C. § 1981, and defamation under Texas law. The district court granted Celanese's motion to dismiss the suit pursuant to Federal Rule of Civil Procedure 12(b)(6) based on Garrett's failure to state a claim.

We hold that the district court correctly dismissed Garrett's

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[*] Pursuant to 5th Cir. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5th Cir. R. 47.5.4.

claims for the reasons given by the district court. Garrett further argues that the district court should have granted her leave to amend her complaint before granting Celanese's motion to dismiss. While Garrett could have amended her complaint once as a matter of right, she did not exercise that right. She only made cursory mention of a request to amend her pleadings in her opposition to Celanese's motion to dismiss, and this court has previously held that a request made in this manner does not require the district court to grant leave to amend. *McKinney v. Irving Independent School District*, 309 F.3d 308, 315 (5th Cir. 2002). Further, Garrett never apprised the district court or this court of any facts that she would have added to her complaint that would have sufficiently stated a claim upon which relief could be granted. Thus, we AFFIRM the district court's decision granting Celanese's motion to dismiss.