

UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 00-11211  
Summary Calendar

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GLORIA J. WILLIAMS,  
  
Plaintiff-Appellant,  
  
v.  
  
CITY OF DALLAS,  
  
Defendant-Appellee.

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Appeal from the United States District Court for the  
Northern District of Texas, Dallas  
USDC No. 3:98-CV-2169-M

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August 7, 2001

Before JOLLY, DAVIS, and BENAVIDES, Circuit Judges.

PER CURIAM:\*

Gloria J. Williams appeals from a summary judgment dismissing her claims against the City of Dallas. Construing liberally her brief, she claims that the district court erred in considering the Texas Workforce Commission's determination that she was not discharged for misconduct, the district court erred in not permitting her to address the court following the adverse ruling on

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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

the summary judgment motion, and that the magistrate erred in initially declining to appoint counsel for the prosecution of her case. We find no merit in her arguments.

The decision of the Texas Workforce Commission was not part of a response to the summary judgment motion and was therefore not properly before the district court. In any event, under express Texas law, the findings of the Texas Workforce Commission have no collateral estoppel effect and are not admissible evidence in other proceedings. Tex. Lab. Code Ann. § 213-007. Having ruled on the motion for summary judgment, the district court had no duty to hear oral argument from the appellant who had appointed counsel; moreover, appellant has not shown prejudice from the denial of oral argument as the district court properly granted summary judgment based on the summary judgment record. Finally, the complaint related to the denial of appointed counsel fails because she was appointed counsel prior to the disposition of her claim by summary judgment; further, she did not timely appeal from the magistrate's initial determination to deny her request for appointed counsel.

The judgment of the district court is AFFIRMED.