

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

No. 18-31263
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

July 17, 2019

Lyle W. Cayce
Clerk

JOANN HOWARD,

Plaintiff - Appellant

v.

ST. JOHN THE BAPTIST PARISH SCHOOL BOARD, misidentified as the St. John the Baptist Parish School District; KENDRIA SPEARS, in her capacity as an employee of the St. John the Baptist Parish School Board, misidentified as a principal of the St. John the Baptist Parish School District; PAGE ESCHETTE, in her capacity as Director of Human Resources for the St. John the Baptist Parish School Board, misidentified as Director of Human Resources for the St. John the Baptist Parish School District; KEVIN GEORGE, in his capacity as Superintendent for the St. John the Baptist Parish School Board, misidentified as Superintendent for the St. John the Baptist Parish School District,

Defendants - Appellees

Appeal from the United States District Court
for the Eastern District of Louisiana
USDC No. 2:17-CV-7142

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Before HIGGINBOTHAM, GRAVES, and DUNCAN, Circuit Judges.

PER CURIAM:*

Appellant Joann Howard is a former second grade teacher at the Fifth Ward Elementary School in Louisiana. In July 2014, Howard provided the St. John the Baptist Parish Public School Board with a physician's statement that diagnosed her with major depressive illness and anxiety disorders. The School Board approved a medical sabbatical leave for the Fall 2014 semester, and that leave was extended to the Spring 2015 semester. The following summer, Howard failed to submit an intent to return form, provide the School Board with a medical clearance, and respond to her principal's query about her intent to return to work. The School Board terminated Howard. After her termination, Howard brought suit against the School Board and three individuals employed by the Board, the Principal, Director of Human Resources, and Superintendent, alleging violations under Title VII of the Civil Rights Act of 1964, Title I of the Civil Rights Act of 1991, and the American with Disabilities Act.

Howard alleges that defendants discriminated against her on the basis of her race, that she was subjected to a hostile work environment causing her medical condition, and that she was retaliated against for taking leave and filing an EEOC complaint. The case was referred to the Magistrate Judge and defendants filed a motion for summary judgment. After oral hearing on the motion, the Magistrate Judge allowed the parties to amend their submissions following the deposition of defendant Paige Eschette. The Magistrate Judge then granted defendants' motion, concluding that Howard had failed to meet

* 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.

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her burden of proving a prima facie case of discrimination on the basis of race, retaliation, or discrimination under the ADA. On appeal, Howard contends defendants failed to brief or set forth any basis for dismissal of her hostile work environment claim, the district court erred in considering evidence that was not competent summary judgment evidence, and that a material dispute of fact exists on her retaliation claim. We have reviewed the record and the Magistrate Judge's opinion and find no reversible error. Accordingly, we affirm for essentially the reasons given by the district court.