

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 92-4682
Summary Calendar

ANGIE N. UBOSI,

Plaintiff-Appellant,

v.

MCNEESE STATE UNIVERSITY, ET AL,

Defendants-Appellees.

Appeal from the United States District Court
for the Western District of Louisiana
(CA-89-2962-LC)

(April 22, 1994)

Before DAVIS, JONES, and DUHÉ, Circuit Judges.*

PER CURIAM:

Appellant Ubosi filed suit against numerous professors and officials as well as McNeese State University, asserting that she was the victim of racial discrimination in being rejected from a graduate psychology program. She also alleged that the defendants breached a contract with her and violated her First Amendment rights by forcibly removing her from the scene of her protest. The district court granted summary judgment in favor of

* Local Rule 47.5 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that Rule, the Court has determined that this opinion should not be published.

some defendants and ruled against her other claims following a trial. On appeal, Ubosi takes issue with the court's factual findings. We affirm.

Ubosi first contends that she was discriminated against because the university insisted on her obtaining a specific score on the GRE in order to continue in a psychology Master's degree program. The university, she asserts, did not insist upon the same requirement for two particular white women students. The district court found to the contrary. Based on disputed evidence, the court found that minimum GRE scores were mandatory and that the two white women students were required to comply with that standard as well as Ubosi and other students. The court found no evidence of intentional racial discrimination.

With regard to an alleged breach of contract, the district court found that no contract existed between Ubosi and the University. We agree. There is no support for her assertion that without complying with the GRE requirement, she could re-enter as a candidate in the graduate program in 1985 after dropping out of a different graduate program at the University in 1983. There was no contract to breach.

Ubosi also asserts that she was physically restrained and briefly confined in a mental institution in retaliation for her exercise of First Amendment rights. The district court credited the testimony of a campus security officer who stated that he had confronted Ubosi in regard to certain signs that had been placed around the University campus in early Fall 1989. She became upset

and began acting irrationally, presenting a danger to herself and others and requiring the use of forcible restraint. Thus, even if Ubosi was exercising her First Amendment rights, the testimony persuaded the district court that the security guard would have restrained Ubosi and called for medical assistance in any event. See Mt. Healthy City School District Board of Education v. Doyle, 429 U.S. 274, 287, 97 S.Ct. 568, 576 (1977).

The judgment of the district court is **AFFIRMED**.