

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

NOV 15 1999

PATRICK FISHER
Clerk

CHRISTINA RICHARDSON-
LONGMIRE,

Plaintiff-Appellant,

v.

STATE OF KANSAS, ADJUTANT
GENERAL,

Defendant-Appellee.

No. 99-3122
(D.C. No. 97-CV-2679-KHV)
(D. Kan.)

ORDER AND JUDGMENT*

Before **BALDOCK** , **PORFILIO** , and **BRORBY** , Circuit Judges.

After examining the briefs and appellate record, this panel has determined unanimously that oral argument would not materially assist the determination of this appeal. See Fed. R. App. P. 34(a)(2); 10th Cir. R. 34.1(G). The case is therefore ordered submitted without oral argument.

* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel. The court generally disfavors the citation of orders and judgments; nevertheless, an order and judgment may be cited under the terms and conditions of 10th Cir. R. 36.3.

Plaintiff-appellant Christine Richardson-Longmire, proceeding pro se, appeals from the district court's order granting summary judgment on her complaint for race and gender discrimination against defendant State of Kansas Adjutant General. Plaintiff, a black female, filed her complaint after she was denied promotion to state-wide coordinator for defendant's Drug Demand Reduction Program. The district court granted summary judgment for defendant, finding that plaintiff had failed to exhaust administrative remedies as to some of her discrimination claims; that she had failed to show that defendant's proffered nondiscriminatory reason for hiring a white female applicant was pretextual; and that plaintiff's state law claim was barred by the Eleventh Amendment.

Plaintiff raises the following issues: (1) whether she presented sufficient evidence of pretext to survive summary judgment; and (2) whether her state law claim was properly before the district court. We review the district court's order of summary judgment de novo, applying the same standards which the district court applied. See McKnight v. Kimberly Clark Corp., 149 F.3d 1125, 1128 (10th Cir. 1998). Having reviewed the parties' briefs and contentions, the district court's order, and the record on appeal pursuant to these standards, this court

finds no reversible error. The judgment of the United States District Court for the District of Kansas is therefore AFFIRMED for substantially the same reasons set forth in its memorandum and order dated March 9, 1999.

Entered for the Court

Bobby R. Baldock
Circuit Judge