

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

JUN 11 1999

PATRICK FISHER
Clerk

GEORGIA ROSA LEBOW,
Plaintiff-Appellant,

v.

CITY OF CLOVIS,
Defendant-Appellee.

No. 98-2227
(D.C. No. CIV-97-1276)
(D. N.M.)

ORDER AND JUDGMENT *

Before **PORFILIO** , **McKAY** , and **LUCERO** , 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* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel.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 Georgia Lebow appeals from the district court's grant of summary judgment to defendant City of Clovis, New Mexico, on her claims of sexual harassment under Title VII, retaliation for conduct protected under both federal and state law, and wrongful termination/constructive discharge. ¹ Our review is de novo and targeted at determining whether there are any genuine issues as to any material fact and whether the moving party is entitled to judgment as a matter of law. See Kaul v. Stephan, 83 F.3d 1208, 1212 (10th Cir. 1996). In conducting this review, we examine the pleadings, depositions, answers to interrogatories, admissions, and affidavits, if any, making all reasonable inferences in favor of the party opposing summary judgment. See id.

After studying the parties' briefs and thoroughly reviewing the record on appeal, we affirm for substantially the same reasons stated by the district court.

The judgment of the United States District Court for the District of New Mexico is AFFIRMED. The mandate shall issue forthwith.

Entered for the Court

Monroe G. McKay
Circuit Judge

¹ Plaintiff does not appeal the district court's dismissal of her claim of negligent supervision.