

February 4, 2008

UNITED STATES COURT OF APPEALS

Elisabeth A. Shumaker
Clerk of Court

TENTH CIRCUIT

ANGELA JONES,

Plaintiff - Appellant,

v.

UNITY HEALTH CENTER, INC.;
MICHAEL SPEARS, individually and
in his capacity as Human Resource
Director at Unity Health Center, Inc.;
MELANIE McLAUGHLIN,
individually and in her official
capacity as Supervisor at Unity Health
Center, Inc.,

Defendants - Appellees.

No. 07-6172

(W.D. Oklahoma)

(D.C. No. 05-CV-1022-T)

ORDER AND JUDGMENT*

Before **KELLY, ANDERSON,** and **MURPHY,** Circuit Judges.

After examining the briefs and appellate record, this panel has determined unanimously that oral argument would not materially assist in the determination

*This order and judgment is not binding precedent except under the doctrines of law of the case, res judicata, and collateral estoppel. It may be cited, however, for its persuasive value consistent with Fed. R. App. P. 32.1 and 10th Cir. R. 32.1.

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.

Plaintiff and appellant Angela Jones brought this action alleging a violation of the Americans with Disabilities Act (“ADA”), 42 U.S.C. §§ 12101-12213, the Family and Medical Leave Act (“FMLA”), 29 U.S.C. §§ 2601-2654, and Oklahoma tort law. In an order dated June 27, 2007, the district court dismissed for lack of jurisdiction Jones’ ADA claim based upon the termination of her employment, awarded summary judgment to defendants on all other ADA and tort claims, and dismissed with prejudice Jones’ FMLA claims. Additionally, the district court awarded costs to defendants under Fed. R. Civ. P. 54(d)(1).

Jones appeals the grant of summary judgment to defendants on her ADA claims relating to the claimed failure to accommodate her disability and a hostile work environment, the dismissal of her ADA claim based upon the termination of her employment, and the district court’s refusal to reverse its award of costs. We AFFIRM the district court’s grant of summary judgment on the disability/hostile work environment ADA claims and the dismissal of her ADA termination claim, for substantially the reasons stated in the district court’s order dated June 27, 2007. We AFFIRM the district court’s award of costs, for substantially the reasons stated in its order dated October 12, 2007.

ENTERED FOR THE COURT

Stephen H. Anderson
Circuit Judge