

February 25, 2009

UNITED STATES COURT OF APPEALS

Elisabeth A. Shumaker
Clerk of Court

TENTH CIRCUIT

JENNY L. PURKETT,

Plaintiff - Appellant,

v.

ROBERT M. GATES,

Defendant - Appellee.

No. 08-1419

(D. Colorado)

(D.C. No. 1:07-CV-00019-EWN-BNB)

ORDER AND JUDGMENT*

Before **HARTZ, McKAY, and O'BRIEN**, Circuit Judges.

Jenny L. Purkett appeals the district court's summary judgment dismissing her equal-employment-opportunity complaint as untimely. For the reasons stated in the magistrate judge's recommendation, we hold that the judgment below was correct.

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 This order and judgment is not binding precedent except under the doctrines of law of the case, *res judicata*, and collateral estoppel.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

The judgment of the district court is AFFIRMED.

ENTERED FOR THE COURT

Harris L Hartz
Circuit Judge