

**United States Court of Appeals  
FOR THE EIGHTH CIRCUIT**

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No. 05-4102

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Marixia Maldonado,

Appellant,

v.

Carl Rosenkranz, Executive Director,  
Ozarks Area Community Action  
Corp.; Ozarks Area Community  
Action Corporation,

Appellees.

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Appeal from the United States  
District Court for the  
Western District of Missouri.  
[UNPUBLISHED]

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Submitted: November 14, 2006  
Filed: December 5, 2006

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Before MURPHY, BYE, and MELLOY, Circuit Judges.

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PER CURIAM.

Marixia Maldonado appeals the district court's<sup>1</sup> adverse grant of summary judgment in her employment-discrimination action. Having carefully reviewed the record, see Jacob-Mua v. Veneman, 289 F.3d 517, 520 (8th Cir. 2002) (standard of review), we agree with the district court that for the promotional decisions at issue Maldonado either failed to establish a prima facie case or failed to counter defendants'

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<sup>1</sup>The Honorable Dean Whipple, Chief Judge, United States District Court for the Western District of Missouri.

evidence as to the legitimate, nondiscriminatory reasons for selecting other candidates, see Younts v. Fremont County, 370 F.3d 748, 754-55 (8th Cir. 2004) (Title VII failure-to-promote case); Kim v. Nash Finch Co., 123 F.3d 1046, 1055-56 (8th Cir. 1997) (discussing failure-to-promote claim under 42 U.S.C. § 1981). Maldonado may not seek reversal based on assertions that her counsel was ineffective. See Glick v. Henderson, 855 F.2d 536, 541 (8th Cir. 1988).

Accordingly, we affirm. See 8th Cir. R. 47B. We deny Maldonado's pending motion.

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