

REVISED January 7, 2009

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

December 17, 2008

Charles R. Fulbruge III
Clerk

No. 08-10556

Summary Calendar

LOUISE RHODES

Plaintiff-Appellant

v.

UNITED STATES OFFICE OF SPECIAL COUNSEL; THOMAS STANTON,
Senior Attorney

Defendants-Appellees

Appeal from the United States District Court
for the Northern District of Texas, Dallas
USDC No. 3:05-cv-2402

Before JOLLY, BENAVIDES, and HAYNES, Circuit Judges.

PER CURIAM:*

Appellant Louise Rhodes appeals the dismissal of her claim against the United States Office of Special Counsel. The district court adopted the Findings, Conclusions and Recommendation of the United States Magistrate Judge dated May 22, 2008, and dismissed the case as to the defendant the United States

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

Office of Special Counsel, finding that Appellant lacked standing and accordingly, that the federal court was without jurisdiction to entertain the claim. The District Court then entered a final judgment as to this defendant.

At its core, Appellant's claim stems from an asserted breach of an oral settlement agreement which she claims was reached in a previous claim that she had against the Internal Revenue Service. The purported settlement agreement was recorded in proceedings initiated by her against the IRS before the Equal Employment Opportunity Commission. But it is clear that Appellee has no connection to the alleged settlement agreement or any breach. Nor did the officer purported to have made the agreement for the IRS represent Appellee or have any connection with Appellee. Appellee is an independent federal agency and obviously is not part of the IRS or the EEOC. It is clear that any injury complained of is not fairly traceable to any action or activity of the defendant United States Office of Special Counsel. Because Appellant failed to show standing, the District Court correctly dismissed the case as to this defendant for lack of jurisdiction. We affirm the judgment of the District Court essentially for the reasons set out in the Magistrate's Findings, Conclusions, and Recommendation dated May 22, 2008.

AFFIRMED.