

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

April 9, 2009

Charles R. Fulbruge III
Clerk

No. 08-30972
Summary Calendar

YOLANDA ANN COLLINS,

Plaintiff-Appellant,

v.

AUDUBON NATURE INSTITUTE, INC.,

Defendant-Appellee.

Appeal from the United States District Court
for the Eastern District of Louisiana
No. 2:07-CV-549

Before SMITH, STEWART, and SOUTHWICK. Circuit Judges.

PER CURIAM:*

Yolanda Collins appeals a summary judgment in her suit for employment discrimination. Briefing is complete. Defendant Audubon Nature Institute, Inc.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

(“Audubon”), moves to dismiss the appeal as frivolous. We agree with its assertion that Collins has not presented arguments in her brief in the form required by the applicable rules. Nor has she shown that the district court committed error, much less reversible error, in dismissing on summary judgment.

The district court set forth its reasons in a thorough and convincing opinion. The appeal is frivolous, essentially for the reasons given by the district court. The motion to dismiss the appeal is GRANTED, and the appeal is DISMISSED as frivolous. *See* 5TH CIR. R. 42.2.

Audubon moves for damages under FED. R. APP. P. 38 and for attorney fees and costs. We have considerable leeway in whether to grant such requests, even where an appeal is frivolous. Here we elect to award Audubon double costs as permitted by rule 38 but otherwise to deny damages and attorney fees. We warn Collins, however, that further meritless filings in this court or the district court can result in imposition of fees and costs. The motion for damages under rule 38 is GRANTED in part, limited to double costs on appeal. The motion for attorney fees is DENIED. The motion for costs is DENIED except as stated above.