

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

United States Court of Appeals
Fifth Circuit

FILED

January 14, 2010

No. 09-50243
Summary Calendar

Charles R. Fulbruge III
Clerk

KIMBLEY DENISE HILL,

Plaintiff - Appellant

v.

FERNANDO ORTEGON; SYLVIA GONZALES; SONDR A CREIGHTON;
DAVID MAGANA; DAVID AGUILAR; FLOYD BERMA; RUDY GARZA;
ROBIN SANDERS; DIANE WEBB, in her Official Capacity; DEBBIE
WILMS; MELISSA POOLE; CHRISTINE JONES; MARGE REUE; CITY OF
AUSTIN PUBLIC WORKS; HOWARD & KOBELAN, in its Official Capacity

Defendants - Appellees

Appeal from the United States District Court
for the Western District of Texas
1:08-CV-79

Before DAVIS, SMITH, and DENNIS, Circuit Judges.

PER CURIAM:*

Plaintiff, Kimbley Denise Hill, challenges the dismissal of her employment discrimination, sexual harassment, and retaliation complaint for failure to state a claim. Hill began working for the Department of Public Works (“the

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

No. 09-50243

Department”) for the City of Austin in June 1994. In June 2007, Hill filed a charge of discrimination in the Equal Employment Opportunity Commission (“EEOC”) field office in San Antonio, Texas, alleging that she suffered discrimination, sexual harassment, and retaliation from the Department. On October 5, 2007, Hill was fired by the Department. On or about October 11, 2007, Hill retained defendant Howard & Kobelan as her legal counsel. On November 1, 2007, defendant Diane Webb, an investigator for the EEOC, sent Hill a letter stating that the EEOC investigated Hill’s claim and found that the evidence was insufficient to establish that Hill suffered discrimination, sexual harassment, or retaliation. Thereafter, Hill fired Howard & Kobelan.

On January 29, 2008, Hill filed a *pro se* complaint in the district court. In her original complaint, Hill named as defendants her attorneys Howard & Kobelan and Webb in her individual and official capacity as an EEOC employee, as well as Fernando Ortegon, Sylvia Gonzales, Sondra Creighton, David Magana, David Aguilar, Floyd Berma, Rudy Garza, Robin Sanders, Debbie Wilms, Melissa Poole, Christine Jones, and Marge Reue, all in their official capacities as Department employees.

The district court accepted the Magistrate Judge’s recommendations and dismissed the complaint against all of the defendants because Hill alleged no facts which could support a finding that any of the defendants discriminated, sexually harassed, or retaliated against her.

On appeal, Hill points to no allegation of fact that would support a finding of discrimination, sexual harassment, or retaliation, or that the district court erred in reaching its conclusion. Therefore, we AFFIRM the district court’s dismissal of Hill’s complaint for failure to state a claim.

AFFIRMED.