

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

United States Court of Appeals  
Fifth Circuit

**FILED**

December 17, 2012

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No. 11-11178  
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Lyle W. Cayce  
Clerk

BELINDA COLOMO, as Guardian of V. C., an Incapacitated Individual,

Plaintiff - Appellant

v.

SAN ANGELO INDEPENDENT SCHOOL DISTRICT; CAROL BONDS, Superintendent of the San Angelo Independent School District; JENNIFER RACKLEY; BILL WATERS, Principal of Central High School in his Individual and Official Capacity; SHELLY HUDDLESTON, Vice Principal of Central High School in her Individual and Official Capacity; JANA ANDERSON, Special Education Director for San Angelo Independent School District in her Individual and Official Capacity; CINDY LUBKE, Special Education Supervisor at Central High School in her Individual and Official Capacity; KENDRA KASNER, Special Education Teacher at Central High School in her Individual and Official Capacity; CLAIRE BAXTER, Inclusion Teacher at Central High School in her Individual and Official Capacity; BRANDEE BAIRD, Special Education Staff at Central High School in her Individual and Official Capacity,

Defendants - Appellees

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Appeal from the United States District Court  
for the Northern District of Texas, San Angelo Division  
USDC No. 6:11-cv-00014-C  
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Before JOLLY, BENAVIDES, and HIGGINSON, Circuit Judges.

No. 11-11178

PER CURIAM:\*

After her daughter, an 18-year old special education student, was the sexual victim of another student on school grounds, Appellant Belinda Colomo brought this 42 U.S.C. § 1983 claim against the San Angelo Independent School District and individual school officials alleging a violation of her daughter's constitutional rights under the Fourteenth Amendment. The district court held that Colomo failed to plead facts demonstrating a Fourteenth Amendment substantive due process violation, and therefore dismissed the claims against the school district and granted summary judgment against Colomo on the claim against the individual officials. Only on appeal has Colomo argued the case is a "special relationship" or "state-created" danger case arising under the rubric of *DeShaney v. Winnebago Cnty. Dep't of Soc. Servs.*, 489 U.S. 189 (1989). It is clear that, in light of this court's intervening decision in *Doe v. Covington County School District*, 675 F.3d 849 (5th Cir. 2012) (en banc), we are bound to find no error in the district court's orders. We AFFIRM the judgment of the district court and DENY Appellant's motion to strike and motion for sanctions.

AFFIRMED.

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\* 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.