

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

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No. 17-50609  
Summary Calendar

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United States Court of Appeals  
Fifth Circuit  
**FILED**  
December 21, 2017  
Lyle W. Cayce  
Clerk

KIMBLEY DENISE HILL,

Plaintiff - Appellant

v.

CITY OF AUSTIN PUBLIC WORKS; CITY OF AUSTIN LAW  
DEPARTMENT; STEPHANIE S. HAWKINS,

Defendants - Appellees.

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. 1:17-CV-490

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Before DAVIS, CLEMENT, and COSTA, Circuit Judges.

PER CURIAM:\*

Kimbley Denise Hill appeals the district court's dismissal of her civil lawsuit against the City of Austin Public Works, City of Austin Law Department, and Stephanie S. Hawkins. Plaintiff alleges, inter alia, that she was sexually harassed during her employment with the City of Austin Public Works and then wrongfully terminated in 2007 after she reported the

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

No. 17-50609

harassment to the human resources department. As the district court noted, however, Hill was barred by an order dated February 28, 2008, from filing any future civil actions in the Western District of Texas without first obtaining leave from the district court. Because Hill did not obtain leave of court before commencing the instant action, the magistrate judge ordered that her motions to proceed in forma pauperis, to appoint counsel, and for judgment be stricken. Hill thereafter filed a motion to recuse the magistrate judge, which the district court also ordered stricken. The district court dismissed Hill's action and issued a final judgment closing her case.

On appeal, Hill does not challenge the basis for the district court's dismissal of her action. Instead, she reasserts the allegations upon which her original civil rights action, filed in 2008, was based.

The dismissal of a suit for failure to comply with an earlier sanction order is reviewed for abuse of discretion.<sup>1</sup> Because Hill fails to present any argument showing an ability to pursue a nonfrivolous and arguable legal claim for relief, her appeal does not present a legal issue arguable on its merits and is frivolous.<sup>2</sup>

APPEAL DISMISSED.<sup>3</sup>

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<sup>1</sup> See *Gelabert v. Lynaugh*, 894 F.2d 746, 747-48 (5th Cir. 1990).

<sup>2</sup> See *Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983).

<sup>3</sup> 5TH CIR. R. 42.2.