

**United States Court of Appeals**  
**FOR THE EIGHTH CIRCUIT**

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No. 07-1022

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Sherry Ferguson,

Appellant,

v.

General Electric; Bill Ford; Floyd  
Robertson; Kenny Garrels; Corky  
May,

Appellees.

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Appeal from the United States  
District Court for the  
Southern District of Iowa.

[UNPUBLISHED]

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Submitted: September 24, 2007

Filed: October 3, 2007

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Before WOLLMAN, HANSEN and RILEY, Circuit Judges.

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PER CURIAM.

Sherry Ferguson appeals the district court's<sup>1</sup> grant of summary judgment to her former employer, General Electric (GE), and four individual defendants in her Title VII employment-discrimination suit alleging harassment and retaliation. See 42 U.S.C. § 2000e-2 (2000). Upon careful de novo review, see Devin v. Schwan's Home

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<sup>1</sup>The Honorable Harold D. Vietor, United States District Judge for the Southern District of Iowa.

Serv., Inc., 491 F.3d 778, 785 (8th Cir. 2007), we find no reversible error of fact or law. Ferguson failed to demonstrate that the harassment was based on her sex and that her termination was causally linked to her protected conduct. See id. at 785, 788. Furthermore, GE offered a legitimate nondiscriminatory reason for Ferguson's termination, and Ferguson failed to rebut this showing by demonstrating that GE's reason was a mere pretext for discrimination. See Tenge v. Phillips Modern Ag Co., 446 F.3d 903, 910 (8th Cir. 2006). We also conclude that the district court did not abuse its discretion in denying Ferguson's motion to reopen the record. See Parton v. White, 203 F.3d 552, 556 (8th Cir.), cert. denied, 531 U.S. 963 (2000) ("Rule 59 motions cannot be used to introduce new evidence, tender new legal theories, or raise arguments that could have been offered or raised prior to entry of judgment.").

Accordingly, we affirm based on the well-reasoned opinion of the district court. See 8th Cir. R. 47B.