

**United States Court of Appeals**  
**For the Eighth Circuit**

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No. 13-2250

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Peggy Battles

*Plaintiff - Appellant*

v.

Thompson Hospitality Services LLC, Originally Sued As Thompson Hospitality

*Defendant - Appellee*

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Appeal from United States District Court  
for the Eastern District of Arkansas - Pine Bluff

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Submitted: February 7, 2014

Filed: February 20, 2014

[Unpublished]

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Before WOLLMAN, MURPHY, and SMITH, Circuit Judges.

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PER CURIAM.

Peggy Battles appeals from the district court's<sup>1</sup> adverse grant of summary judgment in her action under the Age Discrimination in Employment Act (ADEA),

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<sup>1</sup>The Honorable Kristine G. Baker, United States District Judge for the Eastern District of Arkansas.

29 U.S.C. § 623. Upon our careful de novo review, see Gibson v. Am. Greetings Corp., 670 F.3d 844, 852 (8th Cir. 2012), we agree with the district court that Battles failed to demonstrate that a genuine issue of material fact existed on whether (1) her former employer's legitimate and nondiscriminatory reason for terminating her employment was a pretext for age discrimination; and (2) she was subjected to a hostile work environment based on her age. We also agree with the court that the retaliation claim fails, because Battles did not administratively exhaust the claim before filing this suit.<sup>2</sup> Accordingly, we affirm. See 8th Cir. R. 47B.

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<sup>2</sup>To the extent Battles argues on appeal that her counsel below was deficient in representing her, we note that there is no constitutional or statutory right to effective assistance of counsel in a civil case. See Taylor v. Dickel, 293 F.3d 427, 431 (8th Cir. 2002).