

United States Court of Appeals
For the Eighth Circuit

No. 14-1268

Rhonda Harris

Plaintiff - Appellant

v.

Carolyn W. Colvin, Commissioner of Social Security

Defendant - Appellee

Appeal from United States District Court
for the Western District of Missouri - Kansas City

Submitted: September 19, 2014

Filed: October 6, 2014

[Unpublished]

Before COLLTON, BOWMAN, and SHEPHERD, Circuit Judges.

PER CURIAM.

Rhonda Harris appeals from the order of the District Court¹ granting summary judgment to the defendant in Harris's Title VII action against her former employer,

¹The Honorable Scott O. Wright, United States District Judge for the Western District of Missouri.

the Social Security Administration (SSA). After careful review, we conclude that Harris's placement on a Performance Assistance Plan in August 2009 was not an adverse employment action within the meaning of Title VII so as to support her claim of racial discrimination. See Clegg v. Ark. Dep't of Corr., 496 F.3d 922, 926 (8th Cir. 2007) ("An adverse employment action is a tangible change in working conditions that produces a material employment disadvantage." (citations to quoted cases omitted)). In any case, SSA presented a legitimate, nondiscriminatory reason for its action, and Harris did not present sufficient evidence of pretext. See Gibson v. Am. Greetings Corp., 670 F.3d 844, 854 (8th Cir.) (explaining that pretext must be demonstrated with evidence that raises a genuine doubt about the legitimacy of an employer's motive), cert. denied, 133 S. Ct. 313 (2012). Regarding Harris's retaliation claim, we conclude that she failed to present sufficient evidence that she engaged in protected conduct. See Guimaraes v. SuperValu, Inc., 674 F.3d 962, 978 (8th Cir. 2012) (stating that a plaintiff must demonstrate, inter alia, that "she engaged in protected conduct" in order to prove a prima facie case of retaliation). Finally, to the extent Harris asserted a hostile-work-environment claim, we conclude that she failed to present any evidence that the alleged harassment was racially motivated. See Malone v. Ameren UE, 646 F.3d 512, 517 (8th Cir. 2011) (stating that an employee must demonstrate, inter alia, "unwelcome race-based harassment" in order to prove a hostile-work-environment claim).

We affirm, and we deny SSA's pending motion.
