

United States Court of Appeals
For the Eighth Circuit

No. 19-1201

Kimberly A. Moreland

Plaintiff - Appellant

v.

Chad F. Wolf, Acting Secretary, Department of Homeland Security

Defendant - Appellee

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

Submitted: September 24, 2020
Filed: November 5, 2020
[Unpublished]

Before LOKEN, SHEPHERD, and ERICKSON, Circuit Judges.

PER CURIAM.

Kimberly A. Moreland (“Moreland”) appeals the district court’s¹ adverse grant of summary judgment in her Title VII action, in which she alleged her former

¹The Honorable Ortrie D. Smith, United States District Judge for the Western District of Missouri.

employer, the Federal Emergency Management Agency (“FEMA”), discriminated against her based on her race and retaliated against her for previous protected activity when it did not reappoint her after her term of employment expired.² Upon careful *de novo* review, see Bharadwaj v. Mid Dakota Clinic, 954 F.3d 1130, 1134 (8th Cir. 2020), we affirm.

We conclude Moreland has failed to establish a prima facie case of either race discrimination or retaliation. See Gibson v. Concrete Equip. Co., 960 F.3d 1057, 1062, 1064 (8th Cir. 2020) (elements of discrimination and retaliation claims). Moreland is unable to identify a single similarly situated colleague outside of her protected class who was treated more favorably by FEMA. See Carter v. Pulaski Cty. Special Sch. Dist., 956 F.3d 1055, 1058 (8th Cir. 2020) (similarly situated means having the same issues). Nor has she shown a causal link between her protected activity and her non-reappointment. See Kipp v. Mo. Highway & Transp. Comm’n, 280 F.3d 893, 896–97 (8th Cir. 2002). Even assuming Moreland established a prima facie case for either of her claims, she did not offer sufficient evidence to show FEMA’s reason for her non-reappointment (her workplace conduct, which was not conducive to a harmonious workplace environment) was pretextual. See Edwards v. Hiland Roberts Dairy, Co., 860 F.3d 1121, 1125–26 (8th Cir. 2017).

Moreland’s remaining arguments provide no basis for reversal. Accordingly, we affirm.

²Moreland also asserted claims of sex and age discrimination that she abandoned on appeal.