

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

No. 99-2320

Beverly Ryan Deering,

Appellant,

v.

Louis Caldera, Secretary of the Army,

Appellee.

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Appeal from the United States
District Court for the Western
District of Missouri.

[UNPUBLISHED]

Submitted: January 13, 2000

Filed: January 21, 2000

Before BOWMAN, FAGG, and LOKEN, Circuit Judges.

PER CURIAM.

Beverly Ryan Deering appeals the district court's dismissal of Deering's employment-related race discrimination claim. Deering, a Caucasian female, was employed as a specialist in the Army's Equal Employment Opportunity Office (EEO office) at Fort Leonard Wood. To eliminate strife and improve teamwork, the commanding officer decided to replace the three specialists assigned to the EEO office. Deering was reassigned as a budget analyst without any reduction in pay or benefits. Several months later, Deering contacted an EEO counselor, raising for the first time the claim that her assignment was racially motivated. Later, when Deering brought her

employment discrimination lawsuit in the district court, the Secretary of the Army moved to dismiss the complaint based on Deering's failure to exhaust administrative remedies. In granting the Secretary's motion, the district court concluded Deering failed timely to exhaust her administrative remedies and there were no exceptional circumstances to justify equitable tolling.

We review the grant of a motion to dismiss under a well-established standard. Having considered the record and the parties' briefs, we are satisfied that the magistrate judge correctly applied the controlling legal principles, and the record supports the magistrate judge's ruling. Because the parties' submissions show they are thoroughly familiar with the issues before the court, we believe that an extended discussion about the magistrate judge's proper application of the controlling law in a factual framework that is unique to these parties will serve no useful precedential value. We thus affirm on the basis of the magistrate judge's well-reasoned decision without further discussion. See 8th Cir. R. 47B.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.