

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

No. 99-4031

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|--------------------------------------|---|---------------------------------|
| Mary L. Sanderson, | * | |
| | * | |
| Appellant, | * | Appeal from the United States |
| | * | District Court for the Southern |
| v. | * | District of Iowa. |
| | * | |
| Iowa Commission of Veterans Affairs, | * | [UNPUBLISHED] |
| | * | |
| Appellee. | * | |

Submitted: July 31, 2000

Filed: August 3, 2000

Before BEAM, FAGG, and LOKEN, Circuit Judges.

PER CURIAM.

Mary L. Sanderson appeals the district court's adverse grant of summary judgment based on Eleventh Amendment immunity in Sanderson's employment-based action for claimed violations of the Americans with Disabilities Act. Having considered the record and the parties' briefs, we are satisfied the district court properly relied on our decisions in Alsbrook v. City of Maumelle, 184 F.3d 999, 1002, 1010 (8th Cir. 1999) (en banc) (in applying Title II of ADA to States, Congress exceeded its authority under § 5 of Fourteenth Amendment), cert. granted, 120 S. Ct. 1003, and dismissed, 120 S. Ct. 1265 (2000), and DeBose v. Nebraska, 207 F.3d 1020, 1021 (8th

Cir. 1999) (extending Alsbrook to Title I of ADA), petition for cert. filed, 68 U.S.L.W. 3391 (U.S. Dec. 1, 1999) (No. 99-940). Additionally, the Supreme Court recently held that Congress exceeded its enforcement authority under Section 5 of the Fourteenth Amendment by purporting to abrogate the States' Eleventh Amendment immunity in lawsuits brought under the Age Discrimination in Employment Act. See Kimel v. Florida Bd. of Regents, 120 S. Ct. 631, 651 (2000). Accordingly, we affirm. See 8th Cir. R. 47B.

A true copy.

Attest:

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