

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

No. 99-3750

Patricia Fisher,	*	
	*	
Appellant,	*	
	*	Appeal from the United States
v.	*	District Court for the
	*	Southern District of Iowa
Iowa Commission of Veterans Affairs,	*	
	*	[UNPUBLISHED]
Appellee.	*	

Submitted: August 17, 2000

Filed: September 11, 2000

Before McMILLIAN, BOWMAN, and MORRIS SHEPPARD ARNOLD, Circuit
Judges.

PER CURIAM.

Patricia Fisher appeals from the final judgment entered in the District Court¹ for the Southern District of Iowa granting summary judgment in favor of the Iowa Commission of Veterans Affairs based on Eleventh Amendment immunity. Fisher's complaint asserted violations of the Americans with Disabilities Act (ADA), 42 U.S.C.

¹The Honorable Ross A. Walters, Chief United States Magistrate Judge for the Southern District of Iowa, to whom the case was referred for final disposition by consent of the parties pursuant to 28 U.S.C. § 636(c).

§ 12112, et seq., against her former employer, a state agency. After reviewing the record and the parties' briefs, we conclude the district court properly relied on our decisions in Alsbrook v. City of Maumelle, 184 F.3d 999, 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 authority under § 5 of the Fourteenth Amendment by purporting to abrogate the states' Eleventh Amendment immunity in lawsuits brought under the Age Discrimination in Employment Act, 29 U.S.C. § 621, et seq. See Kimel v. Florida Bd. of Regents, 120 S. Ct. 631, 650 (2000). Accordingly, we affirm. See 8th Cir. R. 47B.

A true copy.

Attest:

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