

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

No. 00-1479

Cheri LaBlanche,

Appellant,

v.

University of Iowa, College of
Medicine; Board of Regents; Medical
Council and Executive Committee,

Appellees.

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Appeal from the United States
District Court for the
Southern District of Iowa.

[UNPUBLISHED]

Submitted: January 3, 2001
Filed: January 10, 2001

Before BEAM, FAGG, and LOKEN, Circuit Judges.

PER CURIAM.

Cheri LaBlanche--an African-American woman and former student at the University of Iowa College of Medicine (College)--filed suit against the College and its Board of Regents, alleging she was wrongfully dismissed from its medical program, in violation of Title VI of the Civil Rights Act of 1964 and the Iowa Civil Rights Act.

The district court¹ granted summary judgment in favor of appellees and LaBlanche appeals. We affirm.

Specifically, we agree with the district court that LaBlanche failed to offer any evidence the College's legitimate, nondiscriminatory reason for LaBlanche's dismissal, failing grades, was a pretext for discrimination. See Fed. R. Civ. P. 56(e); McDonnell Douglas Corp. v. Green, 411 U.S. 792, 802-04 (1973); Fuller v. Rayburn, 161 F.3d 516, 518 (8th Cir. 1998); Montgomery v. John Deere & Co., 169 F.3d 556, 558 n.3 (8th Cir. 1999) (discrimination claims under Iowa Civil Rights Act analyzed in same manner as federal law counterparts).

LaBlanche also argues the court violated her right to court-appointed counsel, but she was not entitled to appointment of counsel; and in any event, the court repeatedly tried to appoint counsel but LaBlanche failed to cooperate with any of them. See Stevens v. Redwing, 146 F.3d 538, 546 (8th Cir. 1998) (pro se litigant has no statutory or constitutional right to have counsel appointed in civil case). Finally, we do not review LaBlanche's argument that the College denied her due process, as she raises this issue for the first time on appeal. See Tarsney v. O'Keefe, 225 F.3d 929, 939 (8th Cir. 2000).

Accordingly, we affirm. See 8th Cir. R. 47B.

¹The Honorable Charles R. Wolle, United States District Judge for the Southern District of Iowa.

A true copy.

Attest:

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