

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

No. 00-1894

Teresa Ann Peters,

Appellant,

v.

Mutual of Omaha;

Appellee,

Equal Employment Opportunity
Commission, of Nebraska;
Shelley Williams,

Defendants.

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Appeal from the United States
District Court for the
District of Nebraska.

[UNPUBLISHED]

Submitted: May 22, 2001
Filed: May 31, 2001

Before HANSEN, MORRIS SHEPPARD ARNOLD, and BYE, Circuit Judges.

PER CURIAM.

Teresa A. Peters appeals from the district court's¹ judgment for her former employer, Mutual of Omaha Insurance Company, following a bench trial in her action

¹The Honorable Thomas M. Shanahan, United States District Judge for the District of Nebraska.

asserting violations of the Americans with Disabilities Act (ADA), 42 U.S.C. §§ 12101-12213, and the Family Medical Leave Act (FMLA), 29 U.S.C. §§ 2601-2654.

After careful review of the parties' submissions, we conclude that the district court properly awarded judgment to Mutual. See Rankin v. Seagate Techs., Inc., No. 00-1248, 2001 WL 409524 at *2 (8th Cir. Apr. 24, 2001) (FMLA); Cossette v. Minn. Power & Light, 188 F.3d 964, 972 (8th Cir. 1999) (retaliation); Snow v. Ridgeview Med. Ctr., 128 F.3d 1201, 1205-06 (8th Cir. 1997) (ADA). Peters's argument that her trial counsel was ineffective fails, because a civil litigant has no constitutional right to effective assistance of counsel. See Glick v. Henderson, 855 F.2d 536, 541 (8th Cir. 1988).

Peters's remaining arguments either amount to a contention that the district court should not have believed the testimony of defense witnesses, a contention we must reject, see United States v. Adipietro, 983 F.2d 1468, 1479 (8th Cir. 1993); or fail for lack of a showing of any prejudicial abuse of discretion by the district court. Accordingly, we affirm. See 8th Cir. R. 47B.

A true copy.

Attest:

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