

United States Court of Appeals  
FOR THE EIGHTH CIRCUIT

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No. 96-3120

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Oleta Prinsloo,

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Appellee,

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v.

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Appeal from the United States

Arkansas State University, State of  
Arkansas; Roger Lambert, Chair,  
Department of History in His

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District Court for the

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Eastern District of Arkansas.

Individual and Official Capacity;  
James Greenwald, Professor, in His  
Individual and Official Capacity,

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[UNPUBLISHED]

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Appellants.

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Submitted: February 13, 1997

Filed: May 9, 1997

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Before BOWMAN and WOLLMAN, Circuit Judges, and KOPF,<sup>1</sup> District Judge.

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PER CURIAM.

The issue in this case is whether Title IX of the Education Amendments of 1972, see 20 U.S.C. §§ 1681-1688, abrogates the Eleventh Amendment immunity of the

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<sup>1</sup>The Honorable Richard G. Kopf, United States District Judge for the District of Nebraska, sitting by designation.

defendants. The District Court<sup>2</sup> held that it does, and the defendants appeal from that ruling.

Crawford v. Williams, 109 F.3d 1281 (8th Cir. 1997), controls the present case. In Crawford, the Court decided the same issue we are asked to decide in this case. The Court squarely held that under Seminole Tribe of Florida v. Florida, 116 S. Ct. 1114 (1996), the Eleventh Amendment does not deprive the federal courts of jurisdiction to hear Title IX claims. See Crawford, 109 F.3d at 1282-83. In reaching its decision, the Court specifically rejected the contention, which the defendants make in this case, that Congress enacted Title IX pursuant to the Spending Clause, and therefore that section 5 of the Fourteenth Amendment does not give Congress the ability to abrogate the states' immunity to Title IX claims. Id. at 1283.

Because we are bound by the holding in Crawford, the decision of the District Court must be, and is, affirmed.

A true copy.

Attest:

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

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<sup>2</sup>The Honorable George Howard, Jr., United States District Judge for the Eastern District of Arkansas.