

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 97-1675EM

Patricia M. Rhoads,

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Appellant,

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v.

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Appeal from the United States
District Court for the Eastern
District of Missouri.

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The Jones Financial Companies;

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Edward D. Jones & Co., L.P.,

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[UNPUBLISHED]

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Appellees.

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Submitted: November 17, 1997

Filed: November 26, 1997

Before FAGG, WOLLMAN, and HANSEN, Circuit Judges.

PER CURIAM.

Patricia M. Rhoads brought this action against The Jones Financial Companies (JFC) and Edward D. Jones & Co. (EDJ) alleging violations of Title VII, the Age Discrimination in Employment Act, the Fair Labor Standards Act, and the Missouri Human Rights Act. On summary judgment, the magistrate judge rejected Rhoads's claims. After careful review of the record, we agree with the magistrate judge that Rhoads was a general partner rather than an employee of JFC and EDJ, and she could not invoke the protections of statutes which afford relief to employees. Having failed to comply with Federal Rule of Civil Procedure 56(f), Rhoads's argument that the

district court prematurely granted summary judgment before she had an opportunity to conduct discovery is foreclosed by the holdings of this court. See Allen v. Bridgestone/Firestone, Inc., 81 F.3d 793, 797-98 (8th Cir. 1996). We thus affirm the magistrate judge's ruling. See 8th Cir. R. 47B.

A true copy.

Attest:

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