

United States Court of Appeals  
FOR THE EIGHTH CIRCUIT

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No. 97-3158

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Susan Phillips,

Plaintiff - Appellant,

v.

Metropolitan Zoological Park &  
Museum District, doing business as  
the St. Louis Zoo,

Defendant - Appellee.

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

**[UNPUBLISHED]**

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Submitted: February 13, 1998

Filed: April 8, 1998

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Before LOKEN and HANSEN, Circuit Judges, and DAVIS,\* District Judge.

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PER CURIAM.

Susan Phillips was terminated from her employment at the St. Louis Zoo in May 1994. She sued the Metropolitan Zoological Park & Museum District in state court in September 1994, asserting claims of breach of contract and intentional infliction of emotional distress because the District refused to reinstate her to a prior position. The

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\*The HONORABLE MICHAEL J. DAVIS, United States District Judge for the District of Minnesota, sitting by designation.

state court dismissed her first amended petition with prejudice in February 1996, granting Phillips twenty days to amend. Instead, Phillips commenced this action in April 1996, alleging sex and race discrimination in violation of Title VII, 42 U.S.C. § 1981, and the Missouri Human Rights Act because Phillips, a white female, was replaced by a less qualified African-American male. The district court<sup>1</sup> dismissed the action as barred by the doctrine of res judicata as developed under Missouri law. Phillips appeals. After careful review of the record and consideration of the parties' contentions on appeal, we affirm for the reasons stated in the district court's Memorandum and Order dated June 20, 1997. See 8th Cir. Rule 47B.

A true copy.

Attest:

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

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<sup>1</sup>The HONORABLE CAROL E. JACKSON, United States District Judge for the Eastern District of Missouri.