United States Court of Appeals
FOR THE EIGHTH CIRCUIT

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No. 00-2294WM

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Vicki L. Koch,	*	
	*	
Appellant,	*	On Appeal from the United States
	*	District Court for the
v.	*	Western District of Missouri.
	*	
Marvin T. Runyon, Jr., Postmaster	*	[Not To Be Published]
General,	*	
	*	
Appellee.	*	

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Submitted: July 2, 2001

Filed: July 27, 2001

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Before MORRIS SHEPPARD ARNOLD, RICHARD S. ARNOLD, and FAGG, Circuit Judges.

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PER CURIAM.

Vicki Koch appeals the District Court's[1] order dismissing in part and granting summary judgment in part, in her employment discrimination suit against the United States Postal Service (USPS), her former employer. We affirm.

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[1]The Honorable Nanette K. Laughrey, United States District Judge for the Western District of Missouri.

The District Court dismissed Koch's claims of discrimination involving incidents before December 1994, noting that Koch's attorney had conceded the claims were time-barred. The Court did not err, because Koch is bound by her counsel's concession below that these claims are barred. See Link v. Wabash R.R., 370 U.S. 626, 633-34 (1962) (client bound by acts of attorney).

The District Court granted summary judgment for USPS on Koch's claim that she was subjected to retaliation for Equal Employment Opportunity Commission (EEOC) complaints. This, too, was proper. USPS submitted evidence showing that Koch had threatened her supervisor after her supervisor denied her requested leave, that she had failed to report back to work on time, and that she was suspended and later terminated after failing to attend a mandatory fitness-for-duty examination. Koch did not offer evidence showing that these legitimate nondiscriminatory reasons for her suspension and termination were a pretext for retaliation. See Rose-Maston v. NME Hosp., Inc., 133 F.3d 1104, 1108-09 (8th Cir. 1998); Scroggins v. Univ. of Minnesota, 221 F.3d 1042, 1045 (8th Cir. 2000).

Accordingly, we affirm. We also deny Koch's pending motion.

A true copy.

Attest:

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