

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 04-3659

Rosemary Roux,

Appellant,

v.

Southwestern Bell Yellow Pages, Inc.,
SBC,

Appellee.

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

[UNPUBLISHED]

Submitted: December 8, 2005
Filed: December 13, 2005

Before ARNOLD, FAGG, and SMITH, Circuit Judges.

PER CURIAM.

Rosemary Roux brought claims under the Americans with Disabilities Act (ADA) against her former employer, Southwestern Bell Yellow Pages (SWBYP). The district court¹ granted summary judgment to SWBYP, and Ms. Roux appeals. We affirm.

¹The Honorable Stephen N. Limbaugh, United States District Judge for the Eastern District of Missouri.

Upon careful de novo review of the record, we find that Ms. Roux did not exhaust her administrative remedies with respect to her failure-to-promote claim, and that her discrimination, failure-to-accommodate, and harassment claims fail because she is not a qualified individual under the ADA as she could not regularly attend work. Because Ms. Roux offered no evidence that SWBYP could have accommodated her disability, any claim that SWBYP failed to participate in the required interactive process was likewise meritless. As for Ms. Roux's retaliation claim, the district court properly granted summary judgment, because the record does not show that SWBYP took any adverse employment action against Ms. Roux. Finally, Ms. Roux lacked standing to raise her claim that SWBYP harassed her physicians, and her remaining claims were not timely raised to the district court.

Accordingly, we affirm. See 8th Cir. R. 47B. We also deny the pending motions on appeal.
