

**UNITED STATES COURT OF APPEALS  
FIFTH CIRCUIT**

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No. 99-11263

(Summary Calendar)

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KATHERINE FURLEY,  
also known as Katherine  
Hackleman,

Plaintiff-Appellant-Appellee,

TIM DEAN, Individually and  
as next friend on behalf of  
James Randolph Dean,

Movant-Appellant,

versus

ALEDO INDEPENDENT  
SCHOOL DISTRICT,

Defendant-Appellee.

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Appeals from the United States District Court  
For the Northern District of Texas  
USDC No. 4:99-CV-416-A

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May 23, 2000

Before DAVIS, EMILIO M. GARZA, and DENNIS, Circuit Judges.

PER CURIAM:\*

Katherine Furley appeals the district court's dismissal of her 42 U.S.C. § 1983 suit for failure to state a claim. The district court did not err in dismissing Furley's suit. *See Doe v. Santa Fe Indep. Sch. Dist.*, 168 F.3d 806, 819-22 (5<sup>th</sup> Cir. 1999), *cert. granted*, 120 S. Ct. 494 (1999). The district court also did not abuse its discretion in denying her motion to amend her complaint, as her claims were foreclosed by *Doe* and thus were futile. *See Leffall v. Dallas Indep. Sch. Dist.*, 28 F.3d 521, 524 (5<sup>th</sup> Cir. 1994). Because Furley's suit was dismissed, the district court also did not err in denying as moot Tim Dean's motion to intervene in the suit. *See Flory v. United States*, 79 F.3d 24, 26 (5<sup>th</sup> Cir. 1996). Accordingly, the judgment of the district court is AFFIRMED.

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\* Pursuant to 5<sup>TH</sup> CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5<sup>TH</sup> CIR. R. 47.5.4.