

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

---

No. 07-10861  
Non-Argument Calendar

---

FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT AUGUST 1, 2007 THOMAS K. KAHN CLERK
---

D. C. Docket No. 06-00047-CV-AAA-2

CATHERINE A. CRANE,

Plaintiff-Appellant,

versus

PINELAND MENTAL HEALTH, MENTAL RETARDATION  
& SUBSTANCE ABUSE COMMUNITY SERVICE BOARD,

Defendant-Appellee.

---

Appeal from the United States District Court  
for the Southern District of Georgia

---

**(August 1, 2007)**

Before DUBINA, CARNES and PRYOR, Circuit Judges.

PER CURIAM:

Catherine A. Crane appeals the summary judgment in favor of Pineland

Mental Health, Mental Retardation & Substance Abuse Community Service Board and against her complaint for unpaid overtime compensation under the Fair Labor Standards Act. We review a summary judgment de novo. Cuvillier v. Rockdale County, 390 F.3d 1336, 1338 (11th Cir. 2004). Crane argues that Pineland waived its defense of sovereign immunity by failing to raise that defense in its initial answer. Crane's argument is frivolous.

As acknowledged by Crane in her statement of facts, the magistrate judge allowed Pineland to amend its answer to include the defense of sovereign immunity, and Crane does not offer any argument that the decision of the magistrate judge to allow that amendment was in error. Pineland did not waive its defense of sovereign immunity. To the extent that Crane also argues that the admission by Pineland that it is subject to the Fair Labor Standards Act somehow defeats its immunity from suit for damages, that argument is baseless.

The summary judgment is

**AFFIRMED.**