

[PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 98-6871

FILED
U.S. COURT OF APPEALS
ELEVENTH CIRCUIT
10/28/99
THOMAS K. KAHN
CLERK

D.C. Docket No. CV-97-N-2039-S

TIA GRAHAM,

Plaintiff-Appellant,

versus

STATE FARM MUTUAL INSURANCE
COMPANY, an Illinois corporation; and
JEAN ESTES,

Defendants-Appellees.

Appeal from the United States District Court
for the Northern District of Alabama

(October 28, 1999)

Before BLACK and WILSON, Circuit Judges, and HILL, Senior Circuit Judge.

PER CURIAM:

The Family and Medical Leave Act, 29 U.S.C. §§ 2601–2654 (FMLA), ensures that employees may take up to twelve weeks of unpaid leave due to, among other things, serious medical conditions. 29 U.S.C. § 2612(a)(1)(D). As the district court

reasoned, a plaintiff suffers no FMLA injury when she receives all the leave she requests, and indeed is paid for most of it. Nor does she have a claim for retaliation based on a supervisor's memorandum warning the employee against future non-FMLA absences.

Accordingly, the district court's grant of summary judgment to the Defendants is affirmed based upon the holding and the rationale contained in the district court's September 28, 1998, order, a copy of which is attached as Appendix A hereto.¹

AFFIRMED.

¹On September 30, 1998, the district court amended its order to remand Graham's state law claims to state court instead of dismissing them. The amendment does not affect the basis for our affirmance.