

[PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 01-16102

D. C. Docket No. 00-00609-CV-A-N

<p>FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT September 30, 2003 THOMAS K. KAHN CLERK</p>
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JOANNE BYLSMA,

Plaintiff- Appellant,

UNITED STATES OF AMERICA,

Plaintiff-Intervenor-
Appellant,

versus

DEWAYNE FREEMAN, in his official capacity as
Director of the Alabama Department of Economic
and Community Affairs, et al.,

Defendants,

STEVE WALKLEY, individually and in his official
capacity as Division Director of the Workforce
Development Division of the Alabama Department
of Economic and Community Affairs,
NORMAN B. DAVIS, JR.,

Defendants-Appellees.

Appeals from the United States District Court
for the Middle District of Alabama

(September 30, 2003)

Before TJOFLAT, BARKETT and HILL, Circuit Judges.

PER CURIAM:

Joanne Bylsma, an employee of the Alabama Department of Economic and Community Affairs, appeals the district court's judgment in favor of her employer on her claims under the First Amendment, the Family and Medical Leave Act, 29 U.S.C. § 2601-2654 (FMLA), and Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e. In light of the Supreme Court's ruling in Nevada Dep't of Human Resources v. Hibbs, 123 S.Ct. 1972 (May 27, 2003), we reverse the district court's holding that Congress did not validly abrogate Eleventh Amendment immunity for claims under the FMLA. We find no reversible error as to the other issues raised by Bylsma on appeal, however, and therefore affirm the district court's judgment on Bylsma's claims.

AFFIRMED in part and REVERSED in part.