

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 09-11365
Non-Argument Calendar

FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT JULY 8, 2009 THOMAS K. KAHN CLERK

D. C. Docket No. 05-00186-CV-1

ANA M. ABREU-VELEZ,

Plaintiff-Appellant,

versus

BOARD OF REGENTS OF THE UNIVERSITY SYSTEM OF GA,
MEDICAL COLLEGE OF GEORGIA,
DENNIS MARCUS,
M.D.,

Defendants-Appellees.

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

(July 8, 2009)

Before TJOFLAT, BIRCH and HULL, Circuit Judges.

PER CURIAM:

The district court granted appellees summary judgment on appellant's claims, brought under 42 U.S.C. § 1983, that (1) her employment was terminated at the Medical College of Georgia (MCG) in retaliation for her exercise of speech—specifically, for voicing concerns about appellee Marcus's clinical trials—and (2) MCG refused to employ her for any number of the 130 jobs she applied for, and was qualified, in retaliation for the complaints she had made following her termination. After granting appellees summary judgment, the district court declined to exercise supplemental jurisdiction over appellant's whistleblower claim under state law and accordingly dismissed it without prejudice.

Appellant now appeals, contending that the district court erred in several respects in granting summary judgment. She also contends that the court should have recused. We agree with the district court, for the reasons stated in its February 12, 2009 order granting summary judgment, that appellant's § 1983 claims of retaliation are meritless. As for appellant's recusal argument, we note that appellant did not move the district court to recuse while the case was pending before the court. She therefore asks, in effect, that we conclude that the court's refusal to recuse sua sponte amounted to plain error. We decline her request.

The judgment of the district court is

AFFIRMED.