

UNPUBLISHED

UNITED STATES COURT OF APPEALS

FOR THE FOURTH CIRCUIT

FRANCES K. INGRAM,

Plaintiff-Appellant.

v.

MORGAN STATE UNIVERSITY; THE BOYS' LATIN SCHOOL OF MARYLAND, INCORPORATED; BRYN MAWR SCHOOL; CALVERT SCHOOL; CAPITOL HILL DAY SCHOOL, INCORPORATED; GARRISON FOREST SCHOOL, INCORPORATED; GLENELG COUNTY SCHOOL; GREEN ACRES SCHOOL; GILMAN SCHOOL, INCORPORATED; HOLTEN ARMS SCHOOL; HOLY TRINITY EPISCOPAL DAY SCHOOL; KEY SCHOOL, INCORPORATED; LANDON SCHOOL, INCORPORATED; MCDONOUGH SCHOOL;

No. 95-2314

NORWOOD SCHOOL INCORPORATED; PARK SCHOOL OF BALTIMORE; QUEEN ANNE SCHOOL; ROLAND PARK COUNTY SCHOOL, INCORPORATED; SANDY SPRING FRIENDS SCHOOL, INCORPORATED; SHERIDAN SCHOOL; SIDWELL FRIENDS SCHOOL; ST. ANDREW'S EPISCOPAL SCHOOL, INCORPORATED; ST. PAUL'S SCHOOL, INCORPORATED; ST. PAUL'S SCHOOL FOR GIRLS; NATIONAL CATHEDRAL; ASSOCIATION OF INDEPENDENT MARYLAND SCHOOLS, INCORPORATED; BALTIMORE EDUCATIONAL SCHOLARSHIP TRUST, Defendants-Appellees.

Appeal from the United States District Court
for the District of Maryland, at Baltimore.
J. Frederick Motz, Chief District Judge.
(CA-95-267-JFM)

Submitted: November 14, 1995

Decided: January 16, 1996

Before HALL, WILKINSON, and HAMILTON, Circuit Judges.

Affirmed by unpublished per curiam opinion.

COUNSEL

Frances K. Ingram, Appellant Pro Se. John Joseph Curran, Jr., Attorney General, Mark Jason Davis, Assistant Attorney General, Baltimore, Maryland; Thomas Dennehy Washburne, Sr., OBER, KALER, GRIMES & SHRIVER, Baltimore, Maryland, for Appellees.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

OPINION

PER CURIAM:

Appellant appeals from the district court's order dismissing her claims for lack of standing and failure to state a claim upon which relief may be granted. We have reviewed the record and the district court's opinion and find no reversible error. The district court correctly determined that the Appellant lacked standing to assert a claim

against twenty-five of the twenty-eight Defendants. As to the other three Defendants, we find that Appellant has failed to make the requisite prima facie case for any of her claims. Her Title VII and 42 U.S.C.A. § 1981 (West 1994) claims fail to meet this standard because Appellant has not alleged that she applied and was qualified for a particular job or that the Defendants continued to seek applicants of her qualifications after her rejection. 42 U.S.C.A. § 2000e-2 (West 1994); McDonnell Douglas Corp. v. Green, 411 U.S. 792, 802 (1973). Her Title VI claim fails because Appellant has not alleged that the Defendants receive federal financial assistance for the primary purpose of employment, or that she was the intended beneficiary of any such assistance. 42 U.S.C. § 2000d-3 (1988); Soberal-Perez v. Heckler, 717 F.2d 36, 38 (2d Cir. 1983). Finally, her equal protection claim fails because the hiring decisions of private institutions do not constitute state action. See Peterson v. City of Greenville, 373 U.S. 244, 247 (1963). Therefore, we affirm the district court's order.

In light of this disposition, Appellees' motion to strike is denied as moot. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the Court and argument would not aid the decisional process.*

AFFIRMED

*We find that the failure to give Appellant proper notice under Roseboro v. Garrison, 528 F.2d 309 (4th Cir. 1975), was, at most, harmless error because the error did not affect Appellant's substantial rights. See United States v. Nyman, 649 F.2d 208, 211 (4th Cir. 1988). For the same reason, the failure to rule on Appellant's motion for default judgment was harmless error.