

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 01-2483

THELMA PATRICIA SMITH,

Plaintiff - Appellant,

versus

CARROLL COUNTY EDUCATION ASSOCIATION,
INCORPORATED; MARYLAND STATE TEACHER'S
ASSOCIATION,

Defendants - Appellees.

Appeal from the United States District Court for the District of
Maryland, at Baltimore. J. Frederick Motz, District Judge. (CA-
01-1425-JFM)

Submitted: April 30, 2002

Decided: June 10, 2002

Before WILKINS and LUTTIG, Circuit Judges, and HAMILTON, Senior
Circuit Judge.

Affirmed by unpublished per curiam opinion.

Thelma Patricia Smith, Appellant Pro Se. James Robert Whattam,
MARYLAND STATE TEACHER'S ASSOCIATION, Annapolis, Maryland, for
Appellees.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Thelma Patricia Smith appeals the district court's order dismissing her employment discrimination complaint. We have reviewed the record and the district court's opinion and find no reversible error. Although a labor organization may be subject to suit under Title VII of the Civil Rights Act, 42 U.S.C.A. §§ 2000e to 2000e-17 (West 1994 & Supp. 2001), Smith has not stated a viable claim against the Defendants. The record provides no basis from which we can conclude that the Defendants knew Smith's employer was discriminating against her and failed to take action based on such knowledge. See generally Goodman v. Lukens Steel Co., 482 U.S. 656, 665-69 (1987). Rather, Smith's claims assert unfair treatment by her former employer, the Board of Education of Carroll County, which is not a party to this action. Her conclusory allegation that the Defendants breached their duty of fair representation fails to state a claim upon which relief may be granted. Accordingly, we affirm the district court's judgment. Smith v. Carroll County Educ. Ass'n, Inc., No. CA-01-1425-JFM (D. Md. Nov. 8, 2001). 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