

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

No. 18-50906
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

April 26, 2019

Lyle W. Cayce
Clerk

PAMELA ARMSTRONG FERGUSON,

Plaintiff – Appellant

v.

SANDERSON FARMS, INCORPORATED,

Defendant – Appellee

Appeal from the United States District Court
for the Western District of Texas
USDC No. 6:17-cv-135

Before JOLLY, COSTA, and HO, Circuit Judges.

PER CURIAM:*

Pamela Ferguson wanted to leave work before her shift ended at Sanderson Farms because of another commitment she had. After being told that leaving would count as an absence, she asked to take a vacation day. She was told that she did not provide the required notice that would have allowed the employer to fill her position that day. Ferguson left anyway despite being

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

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told that walking off the job would be considered a voluntary termination. Ferguson then notified the company she was resigning.

Ferguson next filed this *pro se* lawsuit. The district court, adopting the recommendation of the magistrate judge, *sua sponte* dismissed several of the claims under Rule 12(b)(6). It also granted defendant's motion for summary judgment on Ferguson's claim under the Americans with Disabilities Act.

It is doubtful that Ferguson's brief sufficiently challenges the reasons the district court gave for dismissing her claims either on the pleadings or based on the summary judgment record. But even if Ferguson has not forfeited these issues, we find no error in the district court's decision.

AFFIRMED.