

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 09-5115

September Term, 2009

FILED ON: MAY 24, 2010

RENE COCHISE,

APPELLANT

v.

KENNETH LEE SALAZAR, SECRETARY, DEPARTMENT OF THE INTERIOR,

APPELLEE

Appeal from the United States District Court
for the District of Columbia
(No. 1:06-cv-00980)

Before: HENDERSON, ROGERS, and GARLAND, *Circuit Judges*.

J U D G M E N T

This appeal from a judgment of the United States District Court for the District of Columbia was presented to the court and briefed and argued by counsel. The court has accorded the issues full consideration and has determined that they do not warrant a published opinion. *See* D.C. CIR. RULE 36(d). It is

ORDERED and **ADJUDGED** that the judgment of the district court be affirmed.

Title VII prohibits the federal government from retaliating against one of its employees for engaging in action protected by Title VII. 42 U.S.C. § 2000e-3(a); *Steele v. Schafer*, 535 F.3d 689, 695 (D.C. Cir. 2008). In order to make out a retaliation claim, a “plaintiff must show that a reasonable employee would have found the challenged action materially adverse, ‘which in this context means it well might have dissuaded a reasonable worker from making or supporting a charge of discrimination.’” *Burlington Northern and Santa Fe Ry. Co. v. White*, 548 U.S. 53, 68 (2006) (quoting *Rochon v. Gonzales*, 438 F.3d 1211, 1219 (D.C. Cir. 2006)). Cochise points to four events as

instances of actionable retaliation. Viewing the evidence in the light most favorable to Cochise, *Malik v. District of Columbia*, 574 F.3d 781, 783 n.1 (D.C. Cir. 2009), we agree with the district court that none of these incidents – which plaintiff herself characterized as “slights” at oral argument – constitutes a materially adverse employment action.

The Clerk is directed to withhold issuance of the mandate herein until seven days after resolution of any timely petition for rehearing or petition for rehearing en banc. *See* FED. R. APP. P. 41(b); D.C. CIR. RULE 41.

Per Curiam

FOR THE COURT:
Mark J. Langer, Clerk

BY: /s/
Michael C. McGrail
Deputy Clerk