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APP.1

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

**No. 17-50827
Summary Calendar**

**ANGELA D. CLACK,
Plaintiff – Appellant**

v.

**UNITED SERVICES AUTOMOBILE
ASSOCIATION**

Defendant – Appellee

[Filed March 26, 2018 Lyle W. Cayce Clerk]

**Appeal from the United States District Court for the
Western District of Texas
USDC No. 5:6-CV-1069**

**Before REAVLEY, PRADO, and GRAVES, Circuit
Judges. PER CURIAM: ***

The judgement of the district court is affirmed because the court has no jurisdiction to decide future claims before the Equal Employment Opportunity Commission and Plaintiff has agreed to arbitrate her claims.

AFFIRMED.

*Pursuant to 5th Cir. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5th Cir. R. 47.5.4.

APP.2

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

Civil Case No. 16-cv-1069-RCL

ANGELA D. CLACK,

Plaintiff

v.

UNITED SERVICES AUTOMOBILE
ASSOCIATION (USAA)

Defendant

MEMORANDUM

This matter comes before the Court on the motion [2] of defendant United Services Automobile Association (USAA) to compel arbitration and dismiss this action. Upon consideration of plaintiff's opposition thereto, defendant's reply, and the complete record herein – including numerous supplemental submissions by plaintiff – the Court concludes that defendant's motion is well taken and must be granted.

Plaintiff contractually agreed to submit her claims to mandatory binding arbitration pursuant to USAA's dispute resolution program. Plaintiff is not permitted to file this action here. The Court will dismiss this action in favor of the arbitration to which plaintiff agreed. That is the exclusive procedural mechanism for plaintiff to pursue the claims herein, and plaintiff's

contrary arguments are wholly without merit. Accordingly, a separate order shall issue this date granting the defendant's motion to compel arbitration and dismissing this action. All other pending motions will therefore be denied as moot.

[DATE: 8/31/17]

[signature]

Royce C. Lamberth

United States District Judge

APP.3

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

Civil Case No. 16-cv-1069-RCL

ANGELA D. CLACK,

Plaintiff

v.

UNITED SERVICES AUTOMOBILE
ASSOCIATION (USAA)

Defendant

ORDER

For the reasons stated in the accompanying memorandum, the motion [2] to compel arbitration and dismiss is hereby **GRANTED**. The parties are **ORDERED** to arbitrate this matter pursuant to arbitration agreement previously entered into between the parties.

It is further **ORDERED** that this case is hereby **DISMISSED WITH PREJUDICE**.

It is further **ORDERED** that all other motions currently pending on the Court's docket are **DENIED AS MOOT**.

It is SO ORDERED.

[DATE: 8/31/17]

[signature]
Royce C. Lamberth
United States District Judge

APP.4

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

**No. 17-50827
Summary Calendar**

D.C. Docket No. 5:16-CV-1069

**ANGELA D. CLACK,
Plaintiff – Appellant**

v.

**UNITED SERVICES AUTOMOBILE
ASSOCIATION**

Defendant – Appellee

[Filed March 26, 2018 Lyle W. Cayce Clerk]

**Appeal from the United States District Court for the
Western District of Texas**

**Before REAVLEY, PRADO, and GRAVES, Circuit
Judges.**

JUDGMENT

**This cause was considered on the record on appeal
and the briefs on file.**

**It is ordered and adjudged that the judgment of the
District Court is affirmed.**

**IT IS FURTHER ORDERED that plaintiff-appellant
pay to defendant- appellee the costs on appeal to be
taxed by the Clerk of this Court.**

APP.5

**United States Court of Appeals
FIFTH CIRCUIT
OFFICE OF THE CLERK**

[April 17, 2018]

Ms. Jeannette Clack
Western District of Texas, San Antonio
United States District Court
655 E. Cesar E. Chavez Boulevard
Suite G65
San Antonio, TX 78206

No. 17-50827 Angela Clack v. United Services Auto
Assn. USDC No. 5:16-CV-1069

Dear Ms. Clack,

Enclosed is a copy of the judgment issued as the
mandate and a copy of the court's opinion.

Sincerely,
LYLE W. CAYCE, Clerk
By: [signature]
Sabrina B. Short, Deputy Clerk
504-310-7817

cc:

Ms. Angela D. Clack
Ms. Veronica Cruz
Ms. Laura E. O'Donnell

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 17-50827
Summary Calendar

D.C. Docket No. 5:16-CV-1069

ANGELA D. CLACK,
Plaintiff – Appellant

v.

UNITED SERVICES AUTOMOBILE
ASSOCIATION

Defendant – Appellee

[Filed March 26, 2018 Lyle W. Cayce Clerk]

Appeal from the United States District Court for the
Western District of Texas

Before REAVLEY, PRADO, and GRAVES, Circuit
Judges.

JUDGMENT

This cause was considered on the record on appeal
and the briefs on file.

It is ordered and adjudged that the judgment of the
District Court is affirmed.

IT IS FURTHER ORDERED that plaintiff-appellant
pay to defendant- appellee the costs on appeal to be
taxed by the Clerk of this Court.

[SEAL]

Certified as a true copy and issued as the mandate on
April 17, 2018

Attest: [signature] Lyle W. Cayce
Clerk, U.S. Court of Appeals, Fifth Circuit

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 17-50827
Summary Calendar

ANGELA D. CLACK,
Plaintiff – Appellant

v.

UNITED SERVICES AUTOMOBILE
ASSOCIATION

Defendant – Appellee

[Filed March 26, 2018 Lyle W. Cayce Clerk]

Appeal from the United States District Court for the
Western District of Texas
USDC No. 5:6-CV-1069

Before REAVLEY, PRADO, and GRAVES, Circuit
Judges. PER CURIAM: *

The judgement of the district court is affirmed because the court has no jurisdiction to decide future claims before the Equal Employment Opportunity Commission and Plaintiff has agreed to arbitrate her claims.

AFFIRMED.

*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.