

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 06-5099

September Term, 2007

Filed On: September 20,

2007 [1067771]

01cv02206

Sheilah Maramark,

Appellant

v.

**Margaret Spellings, Secretary,
U.S. Department of Education,**

Appellee

Appeal from the United States District Court
for the District of Columbia

BEFORE: HENDERSON, RANDOLPH and BROWN, *Circuit Judges*

J U D G M E N T

This case was considered on the record from the United States District Court for the District of Columbia and on the briefs and argument of counsel. It is

ORDERED that the judgment from which this appeal has been taken be affirmed. Appellant Maramark appeals the district court's grant of summary judgment to the appellee on her claims of employment discrimination and retaliation in violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e *et seq.*, as amended. "Summary judgment is appropriate if 'there is no genuine issue as to any material fact and . . . the moving party is entitled to a judgment as a matter of law' "; a genuine issue exists "only if 'a reasonable jury could return a verdict for the nonmoving party.'" *Taylor v. Small*, 350 F.3d 1286, 1290 (D.C. Cir. 2003) (quoting Fed. R. Civ. P. 56(c); *Anderson v. Liberty Lobby, Inc.*, 477 U.S.

242, 248 (1986) (alteration in original)). On the discrimination claim, the district court correctly concluded that the appellee's failure to grant Maramark, who was an "excepted service" term employee at the Department of Education (DOE), a temporary detail to the National Library of Education (NLE) did not constitute an adverse employment action. *See Brown v. Brody*, 199 F.3d 446, 457 (D.C. Cir. 1999); *see also Taylor v. FDIC*, 132 F.3d 753, 764 (D.C. Cir. 1997) (discussing Title VII cases from other circuits). The harm alleged here, i.e., the denial of a five-month detail that might have allowed Maramark to secure a permanent position at DOE, is too speculative to constitute an "objectively tangible harm." *See Stewart v. Evans*, 275 F.3d 1126, 1135 (D.C. Cir. 2002) (denial of temporary lateral transfer "is not an adverse employment action" and "cannot be a cognizable harm under Title VII"). Accordingly, Maramark failed to make a showing on an essential element of her claim and the district court's grant of summary judgment to the appellee was appropriate. *See Celotex Corp. v. Catrett*, 477 U.S. 317, 322 (1986) (moving party is "entitled to a judgment as a matter of law" if nonmoving party "fails to make a showing sufficient to establish the existence of an element essential to that party's case, and on which that party will bear the burden of proof at trial").

Summary judgment was also appropriate on Maramark's retaliation claim. To establish a prima facie case of retaliation under Title VII, the plaintiff must demonstrate a causal link between the alleged adverse employment action and her protected activity. *Mitchell v. Baldrige*, 759 F.2d 80, 86 (D.C. Cir. 1985). The record fails to show a causal link between Maramark's earlier employment discrimination complaint and the appellee's failure to detail her to the NLE.

Pursuant to D.C. Circuit Rule 36, this disposition will not be published. The Clerk is directed to withhold issuance of the mandate herein until seven days after resolution of any timely petition for rehearing or rehearing en banc. *See Fed. R. App. P. 41(b)*; D.C. Cir. Rule 41.

PER CURIAM

FOR THE COURT:

Mark J. Langer, Clerk