

NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

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NO. 02-3478  
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ANNA REED, on behalf of herself  
and all other similarly situated  
applicants for teaching positions

v.

PITTSBURGH BOARD OF PUBLIC EDUCATION;  
THE SCHOOL DISTRICT OF THE CITY OF PITTSBURGH;  
JEAN FINK; ELISABETH T. HEALY;  
ALEX MATTHEWS; EVELYN B. NEISER;  
MAGGIE SCHMIDT; RONALD L. SUBER;  
RANDALL TAYLOR; JEAN E. WOOD;  
DARLENE HARRIS, individually

Anna Reed,  
Appellant  
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On Appeal from the United States District Court  
for the Western District of Pennsylvania  
(D.C. Civil No. 99-cv-01150)  
District Judge: Honorable Maurice B. Cohill, Jr.  
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Submitted Under Third Circuit LAR 34.1(a)  
May 13, 2003

Before: RENDELL, SMITH and ALDISERT, Circuit Judges.

(Filed : May 30, 2003 )

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OPINION OF THE COURT  
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RENDELL, Circuit Judge.

Anna Reed instituted this action under 42 U.S.C. § 1983, alleging that the School District of Pittsburgh and the School Board violated her constitutional rights to due process of law by passing over her in favor of other applicants for teaching positions. She complains that her rights to substantive and procedural due process were violated, contends that the defendants breached their contract, seeks mandamus relief, and seeks a declaratory judgment to resolve her rights under the School Code. In a lengthy opinion, the District Court granted summary judgment in favor of the defendants.

The District Court exercised jurisdiction pursuant to 28 U.S.C. § 1331, and we exercise jurisdiction over its final order pursuant to 28 U.S.C. § 1291. We review the District Court's grant of summary judgment *de novo*. Spinetti v. Serv. Corp. Int'l, 324 F.3d 212, 215 (3d Cir. 2003).

Ms. Reed phrases the issues on appeal as follows:

- (1) Is mistake a defense when a loss is effected by an established process, and when the loss cannot be said to be random or unauthorized?
- (2) Must summary judgment be entered in favor of plaintiff and against defendant when the school board has not expressed a legitimate reason for its bypassing Mrs. Reed?

The facts and procedural history in this case are well known to the parties and the Court, therefore we need not restate them here. In fact, the District Court opinion contains an ample recitation of the facts. See Reed v. Pittsburgh Bd. of Pub. Educ., No. 99-1150 (W.D. Pa. filed Aug. 8, 2002). Further, the District Court engaged in a thorough analysis of the instant fact pattern and applicable law. The Court held that the facts did not establish a constitutional claim and distinguished the situation before it from the situation in Stana v. School Dist. of Pittsburgh, 775 F.2d 122, 126 (3d Cir. 1985), relied upon heavily by Ms. Reed. The Court then declined to exercise pendant jurisdiction over the breach of contract claim. The District Court's opinion adequately explains and fully supports its order and we believe it unnecessary to offer additional explanations and reasons, as the District Court opinion was thorough and comprehensive. Therefore, essentially for the reasons set forth in the District Court's opinion, we will AFFIRM.

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TO THE CLERK OF COURT:

Please file the foregoing Not Precedential Opinion.

/s/ Marjorie O. Rendell  
Circuit Judge