

Westlaw

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Unpublished Disposition

(Cite as: 114 F.3d 1169, 1997 WL 235489 (1st Cir.(Puerto Rico)))

NOTICE: THIS IS AN UNPUBLISHED
OPINION

(The Court's decision is referenced in a "Table of Decisions Without Reported Opinions" appearing in the Federal Reporter. Use FI CTA1 Rule 36 for rules regarding the citation of unpublished opinions.)

United States Court of Appeals, First Circuit.
Jorge E. CANCEL-LUGO, et al., Plaintiffs,
Appellants,

v.

Carlos ALVARADO, et al, Defendants, Appellees.
No. 96-1491.

May 8, 1997.

Appeal from the United States District Court for the District of Puerto Rico [Hon. Carmen C. Cerezo, *U.S. District Judge*].

Victor P Miranda Corrada on brief for appellant.

Carlos Lugo-Fiol, Solicitor General, *Edda Serrano-Blasini*, Deputy Solicitor General, and *Edgardo Rodriguez-Quilichini*, Assistant Solicitor General, Department of Justice, on brief for appellee

Before BOUDIN, *Circuit Judge*, ALDRICH, *Senior Circuit Judge*, and LYNCH, *Circuit Judge*

PER CURIAM

****1** Jorge Cancel-Lugo appeals the district court's rejection, following a bench trial, of his claims against Carlos Alvarado as Executive Director of Cancel-Lugo's employer, the Puerto Rican Electric Power Authority (PREPA) Cancel-Lugo argues that he was transferred within PREPA because of

his political party affiliation in violation of 42 U.S.C. § 1983, the Puerto Rican Constitution, 29 L.P.R.A. §§ 136 and 146, and 3 L.P.R.A. § 1334; and that his due process rights were transgressed because he was transferred without a hearing. After reviewing the parties' briefs and the record, we affirm for substantially the reasons given by the district court after addressing one point not covered in the opinion below

On appeal, Cancel-Lugo contends that the district court's finding that Alvarado had no discriminatory intent and did not cause Cancel-Lugo's transfer is not enough to support the dismissal of his claims under 29 L.P.R.A. §§ 136 and 146, which prohibit discrimination in employment on the basis of political affiliation. Cancel-Lugo argues that Alvarado could be held vicariously liable for the acts of his subordinates under 31 L.P.R.A. § 5142. However, our cases, reading the Puerto Rican statutes in light of the Eleventh Amendment, refuse to impose vicarious liability on supervisory government officials under 29 L.P.R.A. §§ 136 and 146. *Jusino v Zayas*, 875 F.2d 986, 993 (1st Cir 1989); *Marin-Piazza v. Aponte-Roque*, 873 F.2d 432, 436-37 (1st Cir.1989).

Affirmed.

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