

April 5, 2006

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 05-10467

MD RICHARD FRANKLIN

Plaintiff - Appellant

v.

BURLINGTON NORTHERN SANTA FE CORPORATION; ET AL

Defendants

BURLINGTON NORTHERN & SANTA FE RAILWAY COMPANY

Defendant - Appellee

Consolidated with

No. 05-10602

MD RICHARD FRANKLIN

Plaintiff - Appellee

v.

BURLINGTON NORTHERN SANTA FE CORPORATION; ET AL

Defendants

BURLINGTON NORTHERN & SANTA FE RAILWAY COMPANY

Defendant - Appellant

Appeals from the United States District Court
for the Northern District of Texas, Fort Worth
USDC No. 4:03-CV-228-BE

Before KING, BARKSDALE and DENNIS, Circuit Judges.

PER CURIAM:*

AFFIRMED. See 5th Cir. R. 47.6.

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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.