

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

m 00-60424
Summary Calendar

DONALD I. COOLEY,

Plaintiff-Appellant,

VERSUS

MISSISSIPPI DEPARTMENT OF TRANSPORTATION,

Defendant-Appellee.

Appeal from the United States District Court
for the Southern District of Mississippi
(3:99-CV-799)

April 26, 2001

Before SMITH, BENAVIDES, and
DENNIS, Circuit Judges.

PER CURIAM:*

The parties agree that the sole issue is

whether the Americans with Disabilities Act contains a valid congressional abrogation of Eleventh Amendment immunity. The district court held that there is no abrogation. The Supreme Court has now so held. *Board of Trustees of Univ. of Ala.*, 121 S. Ct. 955 (2001).

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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