

**IN THE UNITED STATES COURT OF APPEALS**  
**FOR THE FIFTH CIRCUIT**

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m 01-10282

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MURRAY L. CHAPPELL,

Plaintiff-Appellant,

VERSUS

JONCO FLEET SERVICES, INC.,

Defendant-Appellee.

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Appeal from the United States District Court  
for the Northern District of Texas  
m 3:99-CV-1069-M

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January 2, 2002

Before JOLLY, SMITH, and BENAVIDES,  
Circuit Judges.

PER CURIAM:\*

Murray Chappell appeals a summary

judgment in this action he brought under the Americans with Disabilities Act. The defendant, Jonco Fleet Services, Inc., refused to hire Chappell because there were restrictions on how much he could lift. He claims that the refusal to hire was because the company perceived him as disabled.

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\* Pursuant to 5<sup>TH</sup> 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5<sup>TH</sup> CIR. R. 47.5.4.

We have reviewed the briefs and pertinent portions of the record and have heard the arguments of counsel. We affirm the judgment

of the district court adopting the findings and recommendations of the magistrate judge.

The summary judgment record establishes that Chappell was not perceived as precluded from a broad range of jobs. For example, he could have been a truck driver for some employer other than Jonco, and nothing in Jonco's perception indicated to the contrary; he was not perceived as substantially limited in a major life activity as that term is understood under the ADA.

AFFIRMED.