

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

m 99-20775

REFUGIO RAMOS,

Plaintiff-Appellant,

VERSUS

COASTAL MART, INC.,

Defendant-Appellee.

Appeal from the United States District Court
for the Southern District of Texas
(H-98-CV-509)

April 4, 2000

Before REAVLEY, SMITH, and
EMILIO M. GARZA, Circuit Judges.

PER CURIAM:*

Refugio Ramos, who suffered from HIV, sued his former employer, Coastal Mart, Inc. (“Coastal Mart”), under the Americans with Disabilities Act (“ADA”) and title VII and also asserted various state causes of action. Ramos claimed that Coastal Mart subjected him to different terms and conditions of employment and adversely segregated him because of his disability.

The district court properly granted Coastal

Mart’s motion for summary judgment. The court correctly found that Ramos suffered no “adverse employment action” as required by the ADA. The court also explained why Ramos posed a direct threat to the health or safety of others in the workplace. The court noted that Ramos’s history of seizures exposed him to frequent bleeding, an unusual situation that posed the threat of exposure to Ramos’s body fluids on the part of other employees. The court also established that Ramos was not the subject of outrageous or extreme conduct, which is required to establish intentional infliction of emotional distress.

The judgment is **AFFIRMED**, essentially for the reasons given by the district court.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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