

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 00-41440

NORMA L. CASTANEDA,

Plaintiff-Appellant,

v.

JOHN E. POTTER, Postmaster General,

Defendant-Appellee.

Appeal from the United States District Court
for the Southern District of Texas, McAllen
M-98-CV-284

January 3, 2003

Before BENAVIDES and DENNIS, Circuit Judges, and WALTER*,
District Judge.

PER CURIAM:**

In this appeal, plaintiff-appellant argues that appellee's refusal to accommodate her disability constituted a violation of the Rehabilitation Act, codified at 29 U.S.C. § 701 *et seq.* After carefully considering the briefs and the positions advanced at oral argument, it is clear that the record reflects that there were no daytime positions available when appellant sought work.

* District Judge of the Western District of Louisiana, sitting by designation.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Furthermore, appellee is not required under the Rehabilitation Act to create a position for appellant. Accordingly, the district court did not err in deciding after a bench trial that appellee had not violated the Rehabilitation Act. We therefore AFFIRM the judgment of the district court.