

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

---

No. 02-30063  
Summary Calendar

---

EDDIE DENNIS  
Plaintiff - Appellant

v.

STUPP CORPORATION; ET AL,  
Defendants

STUPP CORPORATION; UNITED STEELWORKERS OF AMERICA  
Defendants - Appellees

-----  
Appeal from the United States District Court  
for the Middle District of Louisiana  
USDC No. 01-CV-174-M3  
-----

September 4, 2002

Before KING, Chief Judge, and JOLLY and DeMOSS, Circuit Judges.

PER CURIAM:\*

Eddie Dennis appeals the summary-judgment dismissal of hybrid § 301 Labor Management Relations Act action. We have reviewed the record and the briefs on appeal and hold that Dennis failed to show that a genuine issue of material fact existed with regard to whether United Steelworkers of America (the Union) breached its duty of fair representation by withdrawing a

---

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

grievance filed on the behalf of Dennis. Celotex Corp. v. Catrett, 477 U.S. 317, 324 (1986); FED. R. CIV. P. 56(e). Dennis failed to show that the Union's refusal to reconvene arbitration and its withdrawal of the grievance were arbitrary or in bad faith. Landry v. The Cooper/T. Smith Stevedoring Co., 880 F.2d 846, 852 (5th Cir. 1989).

In the absence of a viable fair-representation claim, a plaintiff cannot pursue a § 301 claim against the employer. Id. at 851. Accordingly, the district court did not err in granting summary judgment in favor of Stupp Corporation.

AFFIRMED.