

March 3, 2004

IN THE UNITED STATES COURT OF APPEALS

FOR THE FIFTH CIRCUIT

Charles R. Fulbruge III
Clerk

No. 03-30567
Summary Calendar

DEBORAH E. HARMON,

Plaintiff-Appellant,

versus

SAINT GOBAIN CONTAINERS, L.L.C., formerly known as
Ball Foster Container Company, L.L.C.

Defendant-Appellee.

Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 00-CV-1701

Before JOLLY, WIENER, and DENNIS, Circuit Judges.

PER CURIAM:*

Deborah Harmon filed a complaint alleging that her employer, Saint Gobain Containers, Inc. ("SG"), discriminated against her in violation of the Americans with Disabilities Act ("ADA") and the Louisiana Employment Discrimination Law. Specifically, Harmon argued that she was actually disabled and that SG discriminated against her on the basis of such disability, and, in the alternative, that she was not actually disabled, but that SG regarded her as disabled in violation of federal and state law.

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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

She also argued that SG unlawfully retaliated against her for her complaints of its allegedly discriminatory treatment, in violation of the ADA.

The district court, finding no genuine issue of material fact, granted summary judgment to SG on the discrimination claim, which Harmon now appeals.¹ Harmon also appeals three non-dispositive motions relating to docket management and supervision of discovery.

We find, for the reasons articulated by the district court, that Harmon was not disabled as a matter of law and that SG did not regard her as disabled under the ADA's definition of that term. See 42 U.S.C. § 12102(2) (West 2004); Sutton v. United Airlines, Inc., 527 U.S. 471, 477-78 (1999). We also find -- to the extent this issue is not waived by Harmon's scant briefing of it -- that the district court did not abuse its ample discretion in ruling on the non-dispositive motions. See, e.g., Andrade v. Chojnacki, 338 F.3d 448, 454 (5th Cir. 2003). Accordingly, the judgment of the district court is

AFFIRMED.

¹The district court also found that Harmon failed to file an administrative charge on her retaliation claim (which is necessary to sustain a lawsuit in federal court), and thus dismissed that claim. Harmon does not appeal this determination.