

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

United States Court of Appeals
Fifth Circuit

FILED

April 4, 2019

Lyle W. Cayce
Clerk

No. 18-50951
Summary Calendar

CHARLES R. MILLER, JR.,

Plaintiff–Appellant,

versus

FIKES WHOLESALE, INCORPORATED,

Defendant–Appellee.

Appeal from the United States District Court
for the Western District of Texas
No. 6:18-CV-145

Before SMITH, WIENER, and WILLETT, Circuit Judges.

PER CURIAM:*

Charles Miller, Jr., *pro se* in the district court and on appeal, sued his

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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former employer for violation of the Americans with Disabilities Act. The district court dismissed on the pleadings.

Miller's theory is that he suffers from the disability of sleep apnea. His job requires him to drive substantial distances. While on the job, he was in a vehicular accident while traveling over one hundred miles per hour. For that he was fired.

The district court dismissed, explaining its decision in a thorough and well-reasoned order entered October 11, 2018. The court explained, *inter alia*, that Miller had made no sufficient allegation to establish that his dismissal resulted from a disability or perception of disability but, instead, that he was fired for violating his employer's safety standards. The discrimination claim thus was not plausible, even giving the usual latitude to *pro se* pleadings.

The summary judgment is **AFFIRMED**, essentially for the reasons persuasively stated by the district court.