

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 93-8134
Summary Calendar

RICHARD E. KRAGER,

Plaintiff-Appellant,

VERSUS

SEARS, ROEBUCK & CO.,

Defendant-Appellee.

Appeal from the United States District Court
for the Western District of Texas
SA 90 CV 1068

August 19, 1993

Before GARWOOD, SMITH, and DeMOSS, Circuit Judges.

PER CURIAM:*

Richard Krager appeals a summary judgment in favor of defendant Sears, Roebuck & Co. He first argues that the district court erred by applying a release under the Workers' Compensation Act to a claim for workers' compensation retaliation. We find it unnecessary to reach this issue, as we agree with the district

* Local Rule 47.5.1 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that rule, the court has determined that this opinion should not be published.

court that even if Krager did not release his claim, he has failed to raise a material issue of fact on this issue. Because the district court properly granted summary judgment on this assertion, we need not construe the contract releasing Krager's claim.

Essentially for the reasons thoroughly discussed in the district court's opinion granting partial summary judgment, entered February 2, 1993, we also agree that the district court properly granted summary judgment on Krager's other claims. Moreover, in his brief on appeal, Krager fails to identify any disputed issue of material fact. The judgment is AFFIRMED.