

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 94-60642  
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JOHN E. WALKER,

Plaintiff-Appellant,

versus

BALDOR ELECTRIC COMPANY,

Defendant-Appellee.

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Appeal from the United States District Court for the  
Northern District of Mississippi  
(92-CV-337)

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(June 13, 1995)

Before WISDOM, GARWOOD and DAVIS, Circuit Judges.\*

PER CURIAM:

After consideration of the briefs, oral argument, and the record, we conclude, essentially for the reasons given by the district court, that summary judgment was properly granted for the defendant dismissing plaintiff's claims under the Americans with Disabilities Act and his state law claims. Plaintiff's firing,

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\* Local Rule 47.5 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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

before the effective date of the Act, was not covered by it, and the refusal to rehire a month later, after the effective date of the Act, was not a continuing violation. We further note that there was no evidence that the refusal to rehire plaintiff (after the effective date of the Act) was not, as plaintiff was told when he asked to be rehired and was refused, the defendant-employer's policy, in place for approximately a year before plaintiff's firing, which precluded rehiring anyone who had been fired by the defendant (as plaintiff had been about a month previously, before the effective date of the Act). There is no evidence that this reason, or the policy itself, was pretextual or that the policy was discriminatory or had been discriminatorily applied or applied other than across the board. The defendant's summary judgment evidence in these respects was not contradicted. Accordingly, the judgment of the district court is

AFFIRMED.