

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 95-31202  
Summary Calendar

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WAYNE PETER BERGERON,

Plaintiff-Appellant,

versus

CITY OF MORGAN CITY, ET AL.

Defendants

LOUISIANA DEPARTMENT OF TRANSPORTATION  
AND DEVELOPMENT

Defendant-Appellee.

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Appeal from the United States District Court  
for the Western District of Louisiana  
USDC No. 94-CV-712  
- - - - -

May 15, 1996

Before DAVIS, BARKSDALE, and DeMOSS, Circuit Judges.

PER CURIAM:\*

Wayne Bergeron, who is confined to a wheelchair, appeals the summary judgment dismissing his claim under the Americans with Disabilities Act, 42 U.S.C. § 12181, against the Louisiana

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\* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

Department of Transportation and Development. This district court held that the curb in question, which lacked a ramp or curb cut, was completed prior to the effective date of the ADA and therefore is not covered by the Act. Mr. Bergeron argues that a factual issue exists as to the exact location of the accident. We have reviewed the record and the district court's opinion and find no reversible error. Accordingly, we affirm for the same reasons given by the district court. *Bergeron v. City of Morgan City*, No. 94-CV-712 (W.D. La. Oct. 26, 1995).

AFFIRMED.