

UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 98-50422  
Summary Calendar

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VICTOR BURCIAGA, SR.,

Plaintiff-Appellant,

versus

LOUIS CALDERA, SECRETARY OF THE ARMY,

Defendant-Appellee.

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Appeal from the United States District Court,  
for the Western District of Texas  
(EP-97-CV-188-DB)

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October 20, 1998

Before KING, BARKSDALE, and STEWART, Circuit Judges.

PER CURIAM:\*

Victor Burciaga challenges the summary judgment dismissing his claim of disability discrimination in his termination. We review a summary judgment *de novo*, applying the same standard as the district court. E.g., *Freeman v. County of Bexar*, 142 F.3d 848, 850 (5th Cir. 1998). Such judgment is proper if there is no material fact issue and the movant is entitled to judgment as a matter of law. *Id.*; see FED. R. CIV. P. 56(c). Having reviewed the

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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

record and the briefs, we **AFFIRM** for the reasons stated by the district court in its comprehensive and well-reasoned opinion, as amended. See *Burciaga v. West*, No. EP-97-CA-188-DB (W.D.Tex. March 4, 1998, modified April 1, 1998).

***AFFIRMED***