

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

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No. 98-60532  
Summary Calendar

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LARRY NORWOOD,

Plaintiff-Appellant,

versus

INGALLS SHIPBUILDING, INC.,

Defendant-Appellee.

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Appeal from the United States District Court  
for the Southern District of Mississippi  
(1:97-CV-177)

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March 8, 1999

Before POLITZ, BARKSDALE, and STEWART, Circuit Judges.

PER CURIAM:\*

Larry Norwood appeals the adverse grant of summary judgment in his action claiming violations of the Americans with Disabilities Act<sup>1</sup> and various state law claims.

The district court granted summary judgment to Ingalls Shipbuilding, Inc., finding that Norwood was not “substantially limited in a major life activity” because he could perform welding for other employers and that Norwood was not

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\*Pursuant to 5<sup>TH</sup> 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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5<sup>TH</sup> CIR. R. 47.5.4.

<sup>1</sup> 42 U.S.C. § 12101 *et seq.*

a “qualified individual with a disability” because he could not perform the essential duties of a welder for Ingalls. The district court also found that Ingalls did not regard Norwood as being disabled and that Norwood’s state law claims were preempted by federal law.

On appeal of a summary judgment our review of the record is plenary<sup>2</sup> and we apply the same standard as that used by the district court.<sup>3</sup> We view the evidence in the light most favorable to the non-movant and if we find no genuine dispute of a material fact, deem summary judgment appropriate.<sup>4</sup>

Our review of the record and briefs discloses no reversible error in the grant of summary judgment to Ingalls. Accordingly, on the facts as found, the authorities cited, and analysis made by the district court in its Memorandum Opinion granting Ingalls’ motion for summary judgment signed July 27, 1998 and filed July 28, 1998, the judgment appealed is AFFIRMED. Ingalls’ motion to strike plaintiff’s brief or to dismiss the appeal is DENIED.

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<sup>2</sup> **International Shortstop, Inc. v. Rally’s, Inc.**, 939 F.2d 1257 (5th Cir. 1991).

<sup>3</sup> **Dorsett v. Board of Trustees for State Colleges & Univs.**, 940 F.2d 121 (5th Cir. 1991).

<sup>4</sup> **Anderson v. Liberty Lobby, Inc.**, 477 U.S. 242 (1986).