

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 99-60122
Summary Calendar

KENNETH MARSH,

Plaintiff-Appellant,

V.

ITO CORPORATION; INTERNATIONAL
LONGSHOREMEN'S ASSOCIATION, Local 1303;
DONALD EVANS, President,

Defendants-Appellees.

Appeal from the United States District Court
for the Southern District of Mississippi

(1:97-CV-531-GR)

September 23, 1999

Before JOLLY, EMILIO M. GARZA and DENNIS, Circuit Judges.

PER CURIAM:*

Kenneth Marsh, plaintiff-appellant, appeals the decision of the district court granting summary judgment in favor of defendants-appellees ITO Corporation, International Longshoremen's Association (the Union) and Donald Evans, the Union president. Marsh filed suit against ITO Corporation, the Union and Evans alleging discrimination based on disability in violation of the

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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Americans with Disabilities Act (ADA), 42 U.S.C. § 12101 *et seq.*, and against the Union and Evans alleging breach of the duty of fair representation under the National Labor Relations Act, 29 U.S.C. § 185(a). We have reviewed the record and the parties' briefs and find no reversible error. We AFFIRM for essentially the same reasons stated by the district court in its final judgment. Marsh v. ITO Corporation, No. 1:97-CV-531GR (S.D. Miss. Jan. 19, 1999).