

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

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m 01-10329

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STEVE MIDDLETON,

Plaintiff-Appellant,

VERSUS

BALL-FOSTER GLASS CONTAINER COMPANY, L.L.C.,

Defendant-Appellee.

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Appeal from the United States District Court  
for the Northern District of Texas  
m 3:99-CV-964-P

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January 16, 2002

Before JOLLY, SMITH, and BENAVIDES,  
Circuit Judges.

PER CURIAM:\*

Steve Middleton appeals a summary judg-

ment on his claims of discrimination and retaliation under the Americans with Disabilities Act and retaliation under the Texas Labor Code. We have reviewed the briefs and pertinent portions of the record and have heard the arguments of counsel.

We conclude that the district court was correct in ascertaining that Middleton was neither disabled nor perceived as such and that there was no retaliation. The inability to per-

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5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

form a particular job does not constitute a substantial limitation on the major activity of working. *See generally Toyota Motor Mfg., Ky., Inc. v. Williams*, No. 00-1089, 2002 U.S. LEXIS 400 (U.S. Jan. 8, 2002).

The summary judgment is AFFIRMED, essentially for the reasons given by the district court in its comprehensive memorandum opinion and order entered on February 2, 2001.