

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

United States Court of Appeals  
Fifth Circuit

**FILED**

May 12, 2011

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No. 10-10683  
\_\_\_\_\_

Lyle W. Cayce  
Clerk

NICHOLAS WIGGS,

Plaintiff - Appellant

v.

HOME DEPOT USA INC.,  
doing business as The Home Depot,

Defendant - Appellee

\_\_\_\_\_  
Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 3:08-CV-356  
\_\_\_\_\_

Before JONES, Chief Judge, and KING and BARKSDALE, Circuit Judges.

PER CURIAM:\*

This court has considered this appeal on the basis of the briefs, oral argument, and pertinent portions of the record. Having done so, we find no reversible error of fact or law and affirm for essentially the reasons stated by the district court.

**AFFIRMED.**

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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