

**United States Court of Appeals
FOR THE EIGHTH CIRCUIT**

No. 98-3196

Ralph Little,

Appellant,

v.

Union Electric Company,

Appellees.

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Appeal from the United States
District Court for the
Eastern District of Missouri

[UNPUBLISHED]

Submitted: April 6, 2000
Filed: April 28, 2000

Before LOKEN, FAGG, and HANSEN, Circuit Judges.

PER CURIAM.

In 1989, long-time employee Ralph Little applied for and was granted Social Security disability benefits and long term disability benefits under Union Electric Company's disability plan on account of a severe and continuing mental disorder. In 1994, Little applied to return to his janitorial position. When Union Electric rejected his application, Little commenced this action under the Americans with Disabilities Act and the Rehabilitation Act.

Prior to trial, the district court¹ permitted Little's counsel to withdraw because of his client's lack of cooperation and ordered Little to comply with the court's pretrial scheduling order or face sanctions, including dismissal with prejudice. Little failed to comply, and Union Electric moved for summary judgment. Little now appeals the district court's order dismissing his claims for non-compliance with the scheduling order and, alternatively, because Union Electric is entitled to summary judgment on the merits. Having carefully reviewed the record *de novo*, we find no abuse of discretion in the district court's decision to sanction Little for failure to comply with specific instructions to obey the court's scheduling order. See Fed. R. Civ. P. 41(b). In addition, we conclude that summary judgment in favor of Union Electric was proper because Little failed to explain the inherent contradiction between his representation that he is totally disabled for Social Security disability purposes, and his claim that he is a qualified individual with a disability for purposes of this lawsuit. See Cleveland v. Policy Mgmt. Sys. Corp., 119 S. Ct. 1597, 1603-04 (1999). Accordingly, we affirm. See 8th Cir. R. 47B.

A true copy.

Attest:

CLERK, U. S. COURT OF APPEALS, EIGHTH CIRCUIT.

¹The HONORABLE STEPHEN M. LIMBAUGH, United States District Judge for the Eastern District of Missouri.