

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 09-2267

Eddie R. Wyatt,

Appellant,

v.

J.B. Hunt Transport, Inc.,

Appellee.

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Appeal from the United States
District Court for the
Eastern District of Arkansas.

[UNPUBLISHED]

Submitted: February 23, 2010

Filed: February 25, 2010

Before MELLOY, BOWMAN, and SMITH, Circuit Judges.

PER CURIAM.

Eddie Wyatt appeals the District Court's¹ adverse grant of summary judgment in his action alleging that J.B. Hunt Transport, Inc., terminated him as a commercial truck driver in violation of the Americans with Disabilities Act (ADA), 42 U.S.C. §§ 12101–12213, and Department of Transportation (DOT) regulations, 49 C.F.R. § 382.121. After careful *de novo* review, we find no error in the district court's grant of summary judgment. *Johnson v. Blaukat*, 453 F.3d 1108, 1112 (8th Cir. 2006) (standard of review); 49 C.F.R. § 391.41(b)(13) ("A person is physically qualified to

¹The Honorable James M. Moody, United States District Judge for the Eastern District of Arkansas.

drive a commercial motor vehicle if that person . . . [h]as no current clinical diagnosis of alcoholism."); Huber v. Wal-Mart Stores, Inc., 486 F.3d 480, 482 (8th Cir. 2007) (noting that to make a prima facie case in a reasonable-accommodation claim under the ADA, a plaintiff must show, inter alia, that he is a qualified individual); Williams v. United Parcel Serv., Inc., 527 F.3d 1135, 1137 (10th Cir. 2008) (noting that DOT regulations requiring drug and alcohol testing for safety-sensitive positions in transportation industries do not provide for a "private cause of action . . . to aggrieved employees for a violation of the procedural protections"). Accordingly, we affirm.
