

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 96-2498

Carlo Piccinino, *
*
Appellant, *
*
v. * Appeal from the United
States * District Court for the
International United Auto, Aerospace *
Eastern District of Missouri.
and Agricultural Implement Workers of *
America; General Motors Corporation, *
G . M . Wentzville Assembly Center, *
[UNPUBLISHED]
Appellees. *

Submitted: October 6, 1997
Filed: October 14,
1997

Before WOLLMAN, BEAM, and HANSEN, Circuit Judges.

PER CURIAM.

Carl Piccinino appeals the district court's¹ grant of summary judgment to International United Auto, Aerospace and Agricultural Implement Workers of America

¹The Honorable Carol E. Jackson, United States District Judge for the Eastern District of Missouri.

(UAW) and General Motors Corporation (GM) in his hybrid § 301/fair representation suit pursuant to 29 U.S.C. § 185 et seq., and DelCostello v. International Bhd. of Teamsters, 462 U.S. 151 (1983). We affirm.

After de novo review of the record, see Carnes v. United Parcel Serv. Inc., 51 F.3d 112, 116 (8th Cir. 1995), we conclude that Piccinino failed to establish GM breached the Memoranda of Understanding. Both Piccinino's section 301 and fair representation claims thus fail. See DelCostello, 462 U.S. at 164-65; Schiltz v. Burlington N. R.R., 115 F.3d 1407, 1415 (8th Cir. 1997).

Accordingly, we affirm the judgment of the district court and deny plaintiff's motion for appointment of counsel.

A true copy.

Attest:

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