

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 98-2328

Ronnie Furman,

Appellant,

v.

Simmons Foods, Inc.,

Appellee.

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Appeal from the United States
District Court for the
Western District of Arkansas.
[UNPUBLISHED]

Submitted: September 28, 1998

Filed: November 2, 1998

Before WOLLMAN, HANSEN, and MURPHY, Circuit Judges.

PER CURIAM.

Ronnie Furman appeals the district court's¹ grant of summary judgment to defendant Simmons Foods, Inc. in Furman's action brought under the Americans with Disabilities Act, 42 U.S.C. §§ 12101-12213. Having reviewed the record and the parties' submissions on appeal, we conclude that summary judgment was warranted because Furman failed to show that he has a disability within the meaning of the Act. See 42 U.S.C. § 12102(2) (to establish disability, plaintiff must show he suffers, has

¹The Honorable Jimm L. Hendren, Chief Judge, United States District Judge for the Western District of Arkansas.

a record of suffering, or is perceived as suffering, from “a physical or mental impairment that substantially limits one or more of [his] major life activities”); Webb v. Mercy Hosp., 102 F.3d 958, 959-60 (8th Cir. 1996) (setting forth elements of prima facie ADA discrimination case).

The judgment is affirmed.

A true copy.

Attest:

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