

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 00-3209

James M. Rush,

Appellant,

v.

Metropolitan Council Transit
Operations, a political subdivision,

Appellee.

*
*
*
*
*
*
*
*
*

Appeal from the United States
District Court for the
District of Minnesota.

[UNPUBLISHED]

Submitted: June 15, 2001

Filed: July 5, 2001

Before WOLLMAN, Chief Judge, MAGILL, and BOWMAN, Circuit Judges.

PER CURIAM.

James M. Rush appeals the district court's¹ grant of summary judgment for the Metropolitan Council Transit Operations ("MCTO") in Rush's employment discrimination action. Rush alleged that the MCTO refused to hire him because it regarded him as disabled within the meaning of the Americans with Disabilities Act and the Minnesota Human Rights Act. The district court concluded that the MCTO did not

¹The Honorable David S. Doty, United States District Judge for the District of Minnesota.

regard Rush as disabled because the MCTO's decision that Rush was unable to perform one job, that of part-time bus driver, did not support a conclusion that he was limited in the substantial life activity of "working."

After a careful examination of the record, this court finds that the district court correctly granted summary judgment in favor of the MCTO. Accordingly, we affirm for the reasons stated in the district court's thorough opinion. See 8th Cir. R. 47B.

A true copy.

Attest:

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