

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 03-1606

Thomas J. Lindsey,	*	
	*	
Appellant,	*	
	*	Appeal from the United States
v.	*	District Court for the
	*	Eastern District of Arkansas.
United States Postal Service;	*	[UNPUBLISHED]
William Henderson, in his official	*	
capacity as Postmaster General,	*	
	*	
Appellees.	*	

Submitted: November 20, 2003

Filed: January 26, 2004

Before LOKEN, Chief Judge, WOLLMAN, and COLLOTON, Circuit Judges.

PER CURIAM.

Thomas Lindsey appeals the district court's¹ adverse grant of summary judgment on his claims of disability and sex discrimination against his former employer, the United States Postal Service (USPS), brought under the Rehabilitation Act of 1973, 29 U.S.C. §§ 701 *et seq.* and Title VII of the Civil Rights Act of 1964,

¹The Honorable Susan Weber Wright, Chief Judge, United States District Court for the Eastern District of Arkansas.

42 U.S.C. § 2000e *et seq.* Lindsey argues that the district court made improper factual determinations on summary judgment and should have allowed his claims to proceed to a jury. After careful review, Fenney v. Dakota, Minn. & E. R.R. Co., 327 F.3d 707, 711 (8th Cir. 2003) (standard of review), we affirm. Lindsey failed to demonstrate that his ankle injury was a disability within the meaning of the Rehabilitation Act, that he had a record of such disability, or that the USPS regarded him as disabled. See, e.g., Dattoli v. Principi, 332 F.3d 505, 506-07 (8th Cir. 2003) (finding no disability as a matter of law). Likewise, Lindsey did not establish genuine questions of material fact regarding pretext and actual discrimination. See Brooks v. Ameren UE, 345 F.3d 986, 988-89 (8th Cir. 2003); Sprenger v. Federal Home Loan Bank of Des Moines, 253 F.3d 1106, 1113 (8th Cir. 2001).

The judgment is affirmed. See 8th Cir. R. 47B.
