

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 98-2642

DEBRA E. BARRY,

Plaintiff - Appellant,

versus

CITY OF VIRGINIA BEACH,

Defendant - Appellee.

Appeal from the United States District Court for the Eastern District of Virginia, at Norfolk. William T. Prince, Magistrate Judge. (CA-98-143-2)

Submitted: June 22, 1999

Decided: July 8, 1999

Before MURNAGHAN, MICHAEL, and KING, Circuit Judges.

Affirmed by unpublished per curiam opinion.

W. Reilly Marchant, James B. Thorsen, THORSEN, MARCHANT & SCHER, L.L.P., Richmond, Virginia, for Appellant. Stanley G. Barr, Jr., KAUFMAN & CANOLES, P.C., Norfolk, Virginia; Leslie L. Lilley, City Attorney, Richard J. Beaver, Senior Attorney, Kamala H. Lannetti, Assistant City Attorney, CITY ATTORNEY'S OFFICE, Virginia Beach, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Debra E. Barry appeals a district court order granting judgment as a matter of law to the City of Virginia Beach in a disability discrimination action filed by Barry pursuant to the Americans with Disabilities Act and the Civil Rights Act of 1991. On appeal, Barry maintains that the district court erred in: (1) finding there was no dispute as to the essential functions of the Master Police Officer position; (2) finding that the evidence failed to establish that the Virginia Beach Police Department had permanent light duty positions that could have been offered to Barry as reasonable accommodation; and (3) refusing to admit the transcript of the prior testimony of Officer Gary Michael Van Aucken.

We have reviewed the briefs and joint appendix and find no reversible error. Accordingly, we affirm the district court's judgment. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and oral argument would not aid the decisional process.

AFFIRMED