

UNPUBLISHED

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

RONALD W. CONLEY,
Plaintiff-Appellant,
v.
BELDEN WIRE & CABLE COMPANY,
INCORPORATED,
Defendant-Appellee.

No. 01-1519

Appeal from the United States District Court
for the District of South Carolina, at Rock Hill.
Joseph F. Anderson, Chief District Judge.
(CA-99-4016-10-17BC)

Submitted: October 31, 2001

Decided: November 20, 2001

Before MOTZ, KING, and GREGORY, Circuit Judges.

Affirmed by unpublished per curiam opinion.

COUNSEL

Herbert W. Louthian, Sr., Deborah R. J. Shupe, LOUTHIAN LAW FIRM, P.A., Columbia, South Carolina, for Appellant. Marilyn E. Culp, Amy Lynne Layton, KILPATRICK STOCKTON, L.L.P., Charlotte, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

OPINION

PER CURIAM:

Ronald W. Conley appeals from the district court's order adopting the recommendation of the magistrate judge and granting summary judgment to the Defendant in Conley's claim that he was terminated in violation of the Americans with Disabilities Act (ADA), 42 U.S.C.A. §§ 12101-12213 (West 1995 & Supp. 2001). On appeal, Conley claims that: (1) the district court erred in finding that he was not "disabled" or a "qualified individual with a disability" under the ADA; (2) that the district court improperly shifted the burden of persuasion regarding reasonable accommodation to Conley and that the court's conclusion that Belden offered him reasonable accommodations was contrary to the evidence; and (3) Belden's reason for discharging Conley was a pretext for unlawful termination under the ADA.

This court reviews a grant of summary judgment *de novo*. *Higgins v. E.I. DuPont de Nemours & Co.*, 863 F.2d 1162, 1167 (4th Cir. 1988). Summary judgment is appropriate only if there are no material facts in dispute and the moving party is entitled to judgment as a matter of law. Fed. R. Civ. P. 56(c); *Celotex Corp. v. Catrett*, 477 U.S. 317, 322 (1986). This court must view the evidence in the light most favorable to the non-moving party. *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 255 (1986).

After reviewing the briefs, joint appendix, and the record, we conclude that the district court did not err in granting summary judgment in favor of Belden and dismissing the action. We therefore affirm on the reasoning of the district court. *Conley v. Belden Wire & Cable Co. Inc.*, No. CA-99-4016-10-17BC (D.S.C. filed Feb. 22, 2001; entered Feb. 26, 2001 & Mar. 16, 2001).

We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED