

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 98-2708

JULIE ANN DURANT,

Plaintiff - Appellant,

versus

RIKARD NURSING HOME,

Defendant - Appellee.

Appeal from the United States District Court for the District of South Carolina, at Columbia. Joseph F. Anderson, Jr., District Judge. (CA-97-2167-3-17-BC)

Submitted: July 6, 1999

Decided: July 16, 1999

Before HAMILTON, WILLIAMS, and TRAXLER, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Everett Hope Garner, Columbia, South Carolina, for Appellant.
David E. Dubberly, Thomas K. Barlow, DUFF, DUBBERLY, TURNER, WHITE
& BOYKIN, L.L.C., Columbia, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Julie Durant appeals from the district court's order accepting the recommendation of a magistrate judge to grant Defendant Rikard Nursing Home's motion for summary judgment in Durant's action filed under the Americans with Disabilities Act (ADA), 42 U.S.C.A. §§ 12101-12213 (West 1994 & Supp. 1999). Because Durant fails to show that her back impairment substantially limits her in a major life activity, Durant fails to show that she is disabled under the ADA. See 42 U.S.C.A. § 12102(2); Halperin v. Abacus Technology Corp., 128 F.3d 191, 200 (4th Cir. 1997); Williams v. Channel Master Satellite Sys., Inc., 101 F.3d 346, 348-49 (4th Cir. 1996); 29 C.F.R. § 1630.2 (1999). Likewise, even were Durant disabled under the ADA and thus entitled to its protection, her discriminatory transfer claim is time-barred. See 42 U.S.C. § 2000e-5(e)(1) (1994). We affirm the district court's grant of summary judgment in favor of Rikard. We dispense with oral argument because the facts and legal contentions are adequately set forth in the materials before the court and argument would not aid the decisional process.

AFFIRMED