

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-60321
Summary Calendar

PERRIN W. HURDLE,

Plaintiff-Appellant,

versus

SEARS, ROEBUCK AND COMPANY,

Defendant-Appellee.

- - - - -
Appeal from the United States District Court
for the Southern District of Mississippi
USDC No. 1:95-CV-247-BRR
- - - - -

April 15, 1997

Before JONES, DeMOSS and PARKER, Circuit Judges.

PER CURIAM:*

Appellant Perrin Hurdle appeals the summary-judgment dismissal of his age-discrimination lawsuit. He argues that genuine issues of material fact exist which preclude summary judgment; that the district court violated his constitutional rights by holding that an otherwise invalid waiver could be ratified; and that, even if it had been ratified, the waiver he executed did not bar his age-discrimination claim. We have

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

reviewed the record and the district court's opinion and conclude that summary judgment was properly awarded in favor of Appellee Sears, Roebuck and Company. Accordingly, we affirm for essentially the reasons given by the district court. See Blakeney v. Lomas Info. Sys., Inc., 65 F.3d 482, 484-85 (5th Cir. 1995), cert. denied, 116 S. Ct. 1042 (1996); Wamsley v. Champlin Refining & Chem., Inc., 11 F.3d 534, 539-40 (5th Cir. 1993), cert. denied, 115 S. Ct. 1403 (1995).

Hurdle's constitutional arguments, raised for the first time on appeal, do not show error, plain or otherwise.

AFFIRMED.