

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-40286
Summary Calendar

MELANIE MARTINEZ-JONES,

Plaintiff-Appellant,

versus

J C PENNEY COMPANY, INCORPORATED,

Defendant-Appellee.

Appeal from the United States District Court
for the Eastern District of Texas
(2:96-CV-65)

January 6, 1998

Before JONES, SMITH, and STEWART, Circuit Judges.

PER CURIAM:*

Having reviewed the briefs and pertinent portions of the record, we agree for essentially the reasons stated by the district that summary judgment was properly granted to appellee. There is no genuine material issue of fact as to appellant's claims, including whether her asthma substantially limited any major life activity or prevented her from working in any building other than

*Pursuant to 5TH CIR. R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

the Legacy Complex. See Heilwell v. Mount Sinai Hospital, 32 F.3d 718, 722-24 (2d Cir. 1994).

AFFIRMED.