

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 09-13156
Non-Argument Calendar

FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT Nov. 20, 2009 THOMAS K. KAHN CLERK
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D. C. Docket No. 07-00703-CV-GET-1

CARLYLE WRIGHT,

Plaintiff-Appellant,

AMERICAN INTERSTATE INSURANCE
COMPANY, et al.,

Intervenors-Plaintiffs,

versus

UNITED STATES OF AMERICA,

Defendant-Appellee.

Appeal from the United States District Court
for the Northern District of Georgia

(November 20, 2009)

Before BLACK, PRYOR and HILL, Circuit Judges.

PER CURIAM:

Plaintiff-appellant Carlyle Wright filed this action against the United States of America under the Federal Tort Claims Act , 28 U.S.C. § 1346(b) and §§ 2671 *et seq.*, for personal injury suffered when struck by a United States Postal Service forklift.¹ Finding that Wright was the borrowed servant of the Postal Service at the time of the accident, the district court determined that Wright's claims against the United States were barred by the Georgia Workers' Compensation Act. O.C.G.A. § 34-9-11(a).²

The district court granted the government's motion for summary judgment and this appeal follows.³ We have thoroughly reviewed the record in this appeal, including the briefs and the arguments of counsel for both parties. Finding no error, we affirm the judgment of the district court.

AFFIRMED.

¹ Wright was employed as a truck driver for H & H Transport at the time of the accident. H & H Transport had a contract with the Postal Service to transfer mail from a central metropolitan distribution center to outlying postal service facilities.

² Wright had previously settled a worker's compensation claim against H & H Transport for \$120,000.

³ The district court did not reach the government's alternate argument in favor of summary judgment, on the basis of judicial estoppel, due to Wright's failure to disclose his tort claim on certain bankruptcy filings, and neither do we.