

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

No. 18-30671

United States Court of Appeals
Fifth Circuit

FILED

April 11, 2019

Lyle W. Cayce
Clerk

TODD ALEXANDER-CLOUD ABSHIRE,

Plaintiff – Appellant,

v.

LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES,

Defendant – Appellee.

Appeal from the United States District Court
for the Middle District of Louisiana
USDC Nos. 3:16-CV-669; 3:16-CV-852

Before JOLLY, COSTA, and ENGELHARDT, Circuit Judges.

PER CURIAM:*

The district court granted summary judgment in favor of the defendant in this disability discrimination suit. We have reviewed that ruling, the briefs, the trial court record, and the applicable law. We have also heard the arguments of counsel. We AFFIRM the judgment essentially for the reasons the district court cited for concluding that “24/7” availability was an essential function of the law enforcement job. That the position was “subject to call 24 hours a day, 7 days a week” was listed in the relevant posting for the job, 42

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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U.S.C. § 12111(8) (citing an employer’s “written description[s] before advertising or interviewing applicants” as evidence of what is an essential function), and it is undisputed that plaintiff cannot meet that requirement with or without a reasonable accommodation.