[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 12-11967
Non-Argument Calendar

D. C. Docket No. 1:09-cv-01137-WSD

ANDREW HARLEY SPEAKER,

Plaintiff-Appellant,

versus

US DEPARTMENT OF HEALTH AND
HUMAN SERVICES CENTERS FOR
DISEASE CONTROL AND PREVENTION,

Defendant-Appellee.

Appeal from The United States District Court
For the Northern District of Georgia

(September 14, 2012)

Before TJOFLAT, HULL and MARCUS, Circuit Judges.

PER CURIAM:

In *Speaker v. U.S. Dept. of Health and Human Services Centers for Disease,*

623 F.3d 1371, 1386 (11th Cir. 2010), we reversed the District Court's dismissal of appellant's amended complaint and remanded the case for further proceedings. On remand, appellant amended his amended complaint and the parties engaged in extensive discovery. Appellee thereafter moved the District Court for summary judgment, and the court, on March 14, 2012, issued an order granting its motion. Appellant now appeals the judgment entered pursuant to that order.

Appellant argues that material issues of fact remain to be litigated as to "whether CDC exceeded the scope of permissible disclosure under the Privacy Act by disclosing information without a need to know and disclosing more information than necessary for public health purposes, thereby supporting a claim under the "catchall provision of [5 U.S.C.] § 522a(g)(1)(D)." Appellant's Br. at 4-5. He also argues that the District Court disregarded Congress's "intent[ ] that the Privacy Act be broadly construed," *id*. at 5, and that the court "erred by refusing to credit Plaintiff with a favorable inference based on the destruction of email evidence by a senior employee of Defendant's media relations office, from which it can be inferred that the employee improperly leaked information to the media in violation of the Privacy Act." *Id*. We find no merit in any of appellant's arguments. The District Court properly determined that the material facts were not in dispute, and for the reasons stated in its comprehensive order of March 14,

2012, correctly refused to draw the inference appellant draws from the destruction of email evidence. In that there is no basis for reversing the District Court's decision, it is

AFFIRMED.