

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 06-1379

STEVEN W. ALLEN; BRYAN BESSLING,

Plaintiffs - Appellants,

and

RANDY W. BLADES; DARRYLE E. BLAKE; DONALD BOST; DIANE BROOKS; GINA M. CANNON; MICHAEL W. CICHOWICZ; DAVID F. CLAUSS; LAVINA DAVIS; JUANITA DEBELLOTTE; TIMOTHY GODWIN; ALICE GOODMAN; SHARON GOODMAN; JOSEPH HANDS; JOSEPHINE KENNEDY; DEREK LEDBETTER; WILLIAM B. MCKITRICK; THOMAS MILLER; WENDELL MILLER; KEVIN NIEBUHR; SHIRLEY ONYANGO; KEITH OWENS; DOROTHIA PARKER-BELL; IRMA D. REED; FREDERICK V. ROUSSEY; SHARI TAYLOR-DORSEY; DAVID M. WERNER; DENISE WILKES; MELISSA D. WILLIAMS,

Plaintiffs,

versus

LEONARD HAMM; SEAN MALONE; THE BALTIMORE CITY POLICE DEPARTMENT; MAYOR OF BALTIMORE; CITY COUNCIL OF BALTIMORE,

Defendants - Appellees.

No. 06-1380

MICHAEL W. CICHOWICZ; DAVID F. CLAUSS; WILLIAM
B. MCKITRICK; KEVIN NIEBUHR,

Plaintiffs - Appellants,

and

STEVEN W. ALLEN; BRYAN BESSLING; RANDY W.
BLADES; DARRYLE E. BLAKE; DONALD BOST; DIANE
BROOKS; GINA M. CANNON; LAVINA DAVIS; JUANITA
DEBELLOTTE; TIMOTHY GODWIN; ALICE GOODMAN;
SHARON GOODMAN; JOSEPH HANDS; JOSEPHINE
KENNEDY; DEREK LEDBETTER; THOMAS MILLER;
WENDELL MILLER; SHIRLEY ONYANGO; KEITH OWENS;
DOROTHIA PARKER-BELL; IRMA D. REED; FREDERICK
V. ROUSSEY; SHARI TAYLOR-DORSEY; DAVID M.
WERNER; DENISE WILKES; MELISSA D. WILLIAMS,

Plaintiffs,

versus

LEONARD HAMM; SEAN MALONE; THE BALTIMORE CITY
POLICE DEPARTMENT; MAYOR OF BALTIMORE; CITY
COUNCIL OF BALTIMORE,

Defendants - Appellees.

Appeals from the United States District Court for the District of
Maryland, at Baltimore. Richard D. Bennett, District Judge.
(1:05-cv-00879-RDB)

Submitted: March 30, 2007

Decided: May 10, 2007

Before WILKINS, Chief Judge, and GREGORY and DUNCAN, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Michael J. Snider, Ari Taragin, Jeffery C. Taylor, SNIDER & ASSOCIATES, L.L.C., Baltimore, Maryland, for Appellants Michael W. Cichowicz, David F. Clauss, William B. McKitrick, and Kevin Niebuhr; Morris E. Fischer, Bethesda, Maryland, for Appellants Steven W. Allen and Bryan Bessling. Ralph S. Tyler, City Solicitor, BALTIMORE CITY DEPARTMENT OF LAW, Baltimore, Maryland; Karen Stakem Hornig, Chief Legal Counsel, OFFICE OF LEGAL AFFAIRS, Baltimore Police Department, Baltimore, Maryland, for Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Baltimore City police officers Steven Allen, Bryan Bessling, Michael Cichowicz, William McKitrick, David Clauss, and Kevin Niebuhr (collectively, "Appellants") appeal an order of the district court granting summary judgment to the Baltimore City Police Department and other individuals and entities (collectively, "the City"). Finding no error, we affirm.

I.

In March 2005, the City, acting in consultation with the Fraternal Order of Police, adopted General Order Q-23. The purpose of General Order Q-23 was to address the manpower shortage resulting from the fact that approximately five percent of the City's police officers were unavailable for full-duty police work due to permanent injuries or chronic medical conditions. The General Order states that there are no permanent light-duty positions for Baltimore City police officers and provides that "[a]ll sworn members of the Department are required to be capable of performing the full duties and law enforcement responsibilities of a sworn member to include the ability to make forceful arrests, to drive vehicles under emergency conditions, and to qualify with a weapon." J.A. 63.

Appellants, who had been assigned to light-duty positions due to injuries or medical conditions, were all informed that pursuant

to the policy, they must either return to full-duty status or apply for retirement benefits. They subsequently brought this action alleging that they were victims of discrimination in violation of the Americans with Disabilities Act of 1990 and the Rehabilitation Act of 1973. The district court denied Appellants' request to conduct discovery and granted summary judgment to the City.

II.

We conclude that the district court correctly decided the issues before it. Accordingly, we affirm. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before us and oral argument would not aid the decisional process.

AFFIRMED