

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 15-1319**

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PHILLIP SMITH,

Plaintiff - Appellant,

v.

UNION COUNTY BOARD OF EDUCATION,

Defendant - Appellee,

and

NORTH CAROLINA DEPARTMENT OF PUBLIC INSTRUCTION,

Defendant.

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Appeal from the United States District Court for the Western  
District of North Carolina, at Charlotte. Robert J. Conrad,  
Jr., District Judge. (3:13-cv-00707-RJC-DCK)

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Submitted: March 30, 2016

Decided: April 14, 2016

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Before AGEE, WYNN, and HARRIS, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Kirk J. Angel, THE ANGEL LAW FIRM, PLLC, Concord, North  
Carolina, for Appellant. Katherine T. Armstrong, William C.  
Robinson, ROBINSON, ELLIOTT & SMITH, Charlotte, North Carolina,  
for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Phillip Smith appeals the district court's order granting summary judgment to Smith's former employer in this Americans with Disabilities Act ("ADA") action. Smith raises two issues on appeal: (1) whether the district court improperly credited the employer's evidence and failed to properly evaluate evidence offered by Smith regarding pre-offer medical inquiry under the ADA; and (2) whether the district court failed to view key evidence in the light most favorable to Smith in granting summary judgment. We have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. Smith v. Union Cty. Bd. of Educ., No. 3:13-cv-00707-RJC-DCK (W.D.N.C. March 5, 2015) (stating reasons on the record at the hearing on March 4, 2015); see Myers v. Hose, 50 F.3d 278, 282 (4th Cir. 1995) (finding that a litigant's medical conditions precluded him from being a bus driver in his ADA discrimination action). We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

AFFIRMED