

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

United States Court of Appeals
Fifth Circuit

FILED

February 7, 2012

Lyle W. Cayce
Clerk

No. 11-60436
Summary Calendar

REGGIE KELLY,

Plaintiff - Appellant

v.

SNOWHAULERS TRUCKS, INCORPORATED,

Defendant - Appellee

Appeal from the United States District Court
for the Southern District of Mississippi
No. 2:10-cv-0083-KS-MTP

Before HIGGINBOTHAM, DAVIS, and ELROD, Circuit Judges.

PER CURIAM:*

The district court granted partial summary judgment to defendant-appellee Snowhaulers Trucks, Inc. on claims for compensatory and punitive damages made by plaintiff-appellant Reggie Kelly. We have reviewed the parties' arguments and the record *de novo*.¹ We conclude that the district court's

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

¹ *LeMaire v. Louisiana Dept. of Transp. and Development*, 480 F.3d 383, 386 (5th Cir. 2007).

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judgment was correct, and affirm for essentially the reasons stated in its Memorandum Opinion and Order.²

² We do not address appellant's argument that the district court's grant of summary judgment on his claim for punitive damages was premature, as that argument was made for the first time on appeal. *See id.* at 387.