

NOT FOR FULL-TEXT PUBLICATION

File Name: 07a0291n.06

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NO. 06-3728

**UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT**

ARNOLD LACKEY,

Plaintiff-Appellant,

v.

**PREFERRED RUBBER COMPOUNDING
CORP.; UNITED STEEL WORKERS OF
AMERICA, AFL CIO/CLC,**

Defendants-Appellees.

**ON APPEAL FROM THE
UNITED STATES DISTRICT
COURT FOR THE NORTHERN
DISTRICT OF OHIO**

BEFORE: SUHRHEINRICH and GIBBONS, Circuit Judges; and HEYBURN, District Judge.*

_____ **PER CURIAM.** Plaintiff Arnold Lackey appeals from the order of the district court granting summary judgment to defendants Preferred Rubber Compounding Corporation (“Preferred Rubber” or “Company”) and United Steelworkers of America, AFL-CIO/CLC (“USW”) and United Steelworkers of America, Local 418L (“Local”) (collectively “Union”) in the hybrid action brought pursuant to § 301 of the Labor-Management Relations Act (“LMRA”). Specifically, Lackey challenges the district court’s rulings that there was no evidence of any “available” positions as defined in the collective bargaining agreement, and that the Union’s decision not to pursue Lackey’s grievance beyond its original stages was not unreasonable.

*The Honorable John G. Heyburn, Chief Judge for the United States District Court for the Western District of Kentucky, sitting by designation.

Having reviewed the parties' briefs and the applicable law, and having had the benefit of oral argument, we conclude that this matter should be affirmed for the reasons stated in the district court's well-reasoned opinion dated March 30, 2006.

SO ORDERED.