

NOT RECOMMENDED FOR FULL-TEXT PUBLICATION

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No. 06-5146

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

CHESTER KIDD)	
)	
Plaintiff-Appellant,)	
)	
v.)	ON APPEAL FROM THE UNITED
)	STATES DISTRICT COURT FOR THE
AIRBORNE EXPRESS, INC., a/k/a Airborne)	MIDDLE DISTRICT OF TENNESSEE
Freight Corporation; DHL EXPRESS (USA),)	
INC., a/k/a DHL Worldwide Express, Inc.)	
)	
Defendants-Appellees.)	

Before: MARTIN and COOK, Circuit Judges; and BUNNING, District Judge.*

PER CURIAM. Chester Kidd appeals the district court’s order granting summary judgment for Airborne Express. Having reviewed the record and the applicable law, and having the benefit of oral argument and the parties’ briefs, we determine that no jurisprudential purpose would be served by a panel opinion and affirm the district court’s decision for the reasons stated in that court’s opinion. We will not consider Kidd’s argument, raised for the first time on appeal, that the test announced in *Christian v. Wal-Mart Stores, Inc.*, 252 F.3d 862 (6th Cir. 2001), governs his case.

*The Honorable David L. Bunning, United States District Judge for the Eastern District of Kentucky, sitting by designation.