

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

United States Court of Appeals
Fifth Circuit

FILED

June 25, 2010

No. 10-30113
Summary Calendar

Lyle W. Cayce
Clerk

KEVIN STERLING,

Plaintiff-Appellant

v.

CITY OF NEW ROADS; COLUMBIA CASUALTY COMPANY,

Defendants-Appellees

Appeal from the United States District Court
For The Middle District of Louisiana
Civil Action No. 08-cv-424

Before REAVLEY, JOLLY, and OWEN, Circuit Judges.

PER CURIAM:*

The judgment of the district court is affirmed for this reason:

Mr. Sterling took leave from his employment with the City of New Roads pursuant to the Family Medical Leave Act. When his leave expired, Mr. Sterling did not furnish his employer with certification that he was able to resume work. Mr. Sterling's failure to provide the City with certification of his fitness for duty bars his action claiming entitlement to reinstatement under 29 U.S.C. § 2614(a). The district court correctly rendered judgment to

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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this effect.

Mr. Sterling admitted in his deposition that he received notice advising him of his rights and obligations under COBRA. He deliberately elected not to continue COBRA coverage. No reasonable jury could conclude that Mr. Sterling received no communication from the City. The district court correctly rendered judgment that Mr. Sterling's claim regarding COBRA is meritless.

Judgment AFFIRMED.