

NOT RECOMMENDED FOR FULL-TEXT PUBLICATION

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No. 07-4037

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

JAMES H. BURKS, IV
Plaintiff-Appellant,

v.

YELLOW TRANSPORTATION, INC.
Defendant-Appellee.

On Appeal from the
United States District Court for
the Southern District of Ohio

Before: KENNEDY and MARTIN, Circuit Judges; HOOD, District Judge.*

PER CURIAM. Mr. James H. Burks, IV appeals the district court's July 2, 2007 decision denying its motion for sanctions against Yellow Transportation, Inc. Mr. Burks asserts that the district court abused its discretion by refusing to sanction Yellow Transportation for including a misleading and inaccurate statement of law, and a few misleading statements of fact in its reply brief filed in support of its motion for summary judgment.

The district court's opinion carefully analyzed the purported inaccurate and misleading statements in Yellow Transportation's brief and concluded that, while Yellow Transportation's counsel should "take better care in the future to avoid [] overstatements," the complained-of statements were sufficiently supported by evidence and not significantly misleading. We have carefully read the district court's opinion, the applicable law, and the parties' briefs, and we find that

* The Honorable Joseph M. Hood, United States District Judge for the Eastern District of Kentucky, sitting by designation.

it was not an abuse of discretion to deny the plaintiff sanctions against the defendant. We therefore AFFIRM the district court's denial of sanctions for the reasons stated in the district court's opinion.