

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

No: 14-3858

Melvin A. Morriss, III

Appellant

v.

BNSF Railway Company, a Delaware corporation

Appellee

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Equal Employment Opportunity Commission

Amicus on Behalf of Appellant(s)

Chamber of Commerce of the United States

Amicus on Behalf of Appellee(s)

AARP

Amicus on Behalf of Appellant(s)

Equal Employment Advisory Council and National Federation of Independent Business Small  
Business Legal Center

Amici on Behalf of Appellee(s)

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Appeal from U.S. District Court for the District of Nebraska - Omaha  
(8:13-cv-00024-RGK)

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**ORDER**

The petition for rehearing en banc is denied. The petition for rehearing by the panel is also denied.

Judge Kelly and Judge Riley did not participate in the consideration or decision of this matter.

May 19, 2016

Order Entered at the Direction of the Court:  
Clerk, U.S. Court of Appeals, Eighth Circuit.

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/s/ Michael E. Gans