

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

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No. 09-13889  
Non-Argument Calendar

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FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT FEB 16, 2010 JOHN LEY CLERK
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D.C. Docket No. 08-00393-CV-T-23EAJ

JESSE RAYMOND STEWART,  
"Ray",

Plaintiff-Appellant,

versus

COMMERCIAL VEHICLES OF SOUTH FLORIDA, INC.,  
f.k.a. Sterling and Western Star Trucks of Tampa, LLC,  
f.k.a. Freightliner of Tamps, LLC  
FREIGHTLINER LLC,  
BRADLEY W. PRIOR,  
EDWARD R. COSTELLO, et al.,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Middle District of Florida

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(February 16, 2010)

Before BLACK, PRYOR and COX, Circuit Judges.

PER CURIAM:

Jesse Raymond Stewart filed this civil action asserting federal claims in Count One and a state-law claim in Count Two. The district court granted the Defendants summary judgment on the federal claims in Count One, and for that reason declined to exercise supplemental jurisdiction over the state-law claim in Count Two. At issue on this appeal is the propriety of the grant of summary judgment on the federal claims in Count One.

Count One of the Amended Complaint (R.35) alleges that the Defendants conspired “to remove STEWART from servicing OAKLEY TRANSPORT and other customers of FREIGHTLINER OF TAMPA on account of his race” (*Id.* at 8.)

Count One’s conspiracy claims under 42 U.S.C. § 1985(3) asserted: (1) violation of 42 U.S.C. § 1981; (2) violation of the Thirteenth Amendment; and (3) violation of the Fourteenth Amendment. Only the first two are at issue on this appeal. The district court concluded that § 1985(3) creates no rights, and that a § 1985(3) claim cannot be based upon a deprivation of rights guaranteed by § 1981(a). (R.80 at 5-6.) We agree. And, the district court found that the Plaintiff alleges no facts supporting the claim that the Defendants infringed the Plaintiff’s Thirteenth Amendment right to be free from involuntary servitude. (*Id.* at 6-7.) We find no error in that conclusion.

AFFIRMED.