

No.00-3051

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

RICHARD GANULIN,

Plaintiff-Appellant,

v.

UNITED STATES OF AMERICA,

Defendant-Appellee,

and JEFFREY NIEMER, PATTY HEMSATH,
ANNE DOLAN,

Intervenors-Appellees.

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

NOT RECOMMENDED FOR FULL-TEXT
PUBLICATION

Sixth Circuit Rule 28(g) limits citation to specific situations. Please see Rule 28(g) before citing in a proceeding in a court in the Sixth Circuit. If cited, a copy must be served on other parties and the Court.

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Before: MARTIN, Chief Judge, GUY, and COLE, Circuit Judges.

PER CURIAM. Plaintiff, Richard Ganulin, appeals from the district court's dismissal of his claims challenging the constitutionality of the statute making Christmas Day, December 25, a legal public holiday. *See* 5 U.S.C. § 6103. The Amended Complaint alleged that the statute violated the Establishment Clause of the First Amendment and deprived him of his rights to equal protection and freedom of association. Defendant, the United States of America, and the intervening federal employees filed motions to dismiss under Fed. R. Civ. P. 12(b)(6) and 12(c). The district court granted the motions to dismiss, finding that plaintiff could not establish that the statute was unconstitutional. *See Ganulin v. United States*, 71

F. Supp.2d 824 (S.D. Ohio 1999). After careful consideration of the issues presented on appeal and having had the benefit of oral argument, we AFFIRM the dismissal for the reasons set forth in the district court's opinion.