

FILED

December 13, 2005

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS

FOR THE FIFTH CIRCUIT

No. 05-40508
Summary Calendar

LINDA F. JOHN,

Plaintiff-Appellant,

versus

CLEAR LAKE REGIONAL MEDICAL
CENTER, INC.,

Defendant-Appellee.

Appeal from the United States District Court for
the Southern District of Texas, Galveston
(USDC No. 05-40508)

Before REAVLEY, DAVIS and PRADO, Circuit Judges.

PER CURIAM:*

The judgment of the district court is affirmed for these reasons:

1. The court did not abuse its discretion by denying a continuance for discovery. The failure of counsel to take the deposition earlier or respond to notices of the pending motion for summary judgment do not excuse the

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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

delay. And no particular reason was given to explain the need for the late deposition.

2. The deposition was not filed within the discovery period. Plaintiff did not suggest to the district court or this court any material evidence obtained by the Walker deposition.

AFFIRMED.