

February 22, 2005

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 04-30881
Summary Calendar

LAURANCE W. BROOKS, JR.,

Plaintiff-Appellee,

versus

EXXON MOBIL CORPORATION,

Defendant-Appellant.

Appeal from the United States District Court
for the Middle District of Louisiana
USDC No. 02-290-D

Before DAVIS, SMITH and DENNIS, Circuit Judges

PER CURIAM:*

Exxon Mobil Corporation appeals from the district court's partial grant of summary judgment in favor of Laurance Brooks, Jr. The district court entered judgment declaring that under a lease agreement between the parties Exxon Mobil is obligated to replace a building that it removed from property owned by Brooks. Exxon Mobil argues that the district court erroneously granted the declaratory judgment because Brooks failed to request such relief

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

in his complaint and because the lease agreement permits Exxon Mobil to remove the building at issue without replacing it.

This court reviews a district court's decision to grant summary judgment de novo, applying the same criteria as the district court. *Caboni v. General Motors Corp.*, 278 F.3d 448, 451 (5th Cir. 2002). Following a thorough review of the record and the briefs, we affirm the judgment for essentially the reasons given by the district court.

AFFIRMED.