

November 4, 2004

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS

FOR THE FIFTH CIRCUIT

No. 04-10653
Summary Calendar

JACK REEVES; JO ANN REEVES,

Plaintiffs-Appellants,

versus

ROGER KLURFELD, Director, United States
Department of Agriculture, National Appeals
Division,

Defendant-Appellee.

Appeal from the United States District Court for
the Northern District of Texas
(USDC No. 5:03-CV-143-C)

Before REAVLEY, BARKSDALE and GARZA, Circuit Judges.

PER CURIAM:*

We affirm the decision of the district court for the following reasons:

1. The FSA's determination that the Reeves did not show good faith was

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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

not arbitrary or capricious and is supported by the FSA's reasonable interpretation of its regulations. *See Martin v. OSHA*, 499 U.S. 144, 150 (1991); *Motor Vehicle Mfrs. Ass'n v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43 (1983).

2. The agency's interpretation that 7 C.F.R. § 1924.56 requires the FSA to prepare an independent Farm and Home Plan only where the parties disagree as to the business plan proposed therein is reasonable and thus entitled to deference. *Martin*, 499 U.S. at 150.

AFFIRMED.