

June 16, 2004

Charles R. Fulbruge III
Clerk

UNITED STATES COURT OF APPEALS
For the Fifth Circuit

No. 03-20655

JAMES M. NATHENSON, etc.; ET AL.,

Plaintiffs,

JAMES M. NATHENSON, on behalf of himself and all others
similarly situated; AMIT SANGHVI; ROBERT STRASSMAN; ARNO HAUSMANN,

Plaintiffs-Appellants,

VERSUS

ZONAGEN INC.; JOSEPH PODOLSKI; STEVEN BLASNIK; MARTIN P. SUTTER,

Defendants-Appellees,

AMIT SANGHVI, on behalf of himself and all others
similarly situated,

Plaintiff-Appellant,

VERSUS

ZONAGEN INC.; JOSEPH PODOLSKI; STEVEN BLASNIK; MARTIN P. SUTTER,

Defendants-Appellees.

Appeal from the United States District Court
For the Southern District of Texas
H-98-CV-1010

Before JOLLY, DAVIS and JONES, Circuit Judges.

PER CURIAM:*

After reviewing the record in this case and considering the briefs and argument of the parties, we are satisfied that the district court did not abuse its discretion in denying the plaintiffs' motion for leave to amend.

On the merits, the question of reliance in plaintiffs' fraud-on-the-market case is controlled by Greenberg v. Crossroads Systems, Inc., 364 F.3d 657 (5th Cir. 2004). Under the reasoning of that case, we agree with the district court that the defendants successfully rebutted the presumption that the plaintiffs purchased the Zonagen stock in reliance on defendants' false statements. For these reasons and the reasons stated by the district court in its careful opinion of June 13, 2003, the district court's judgment is

AFFIRMED.

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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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