

**FILED**

November 15, 2005

Charles R. Fulbruge III  
Clerk

UNITED STATES COURT OF APPEALS  
For the Fifth Circuit

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No. 04-31229

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ALEX BERTRAND, Individually and as Administrator of the estate of his minor child on behalf of Aimee Bertrand; JEANNINE BERTRAND, Individually and as Administrator of the estate of her minor child on behalf of Aimee Bertrand estate of her minor child on behalf of Aimee Bertrand

Plaintiffs - Appellants

VERSUS

A B I ADMINISTRATIVE SERVICES CORP, doing business as Corporate Benefit Services of America, Inc.; COASTAL FABRICATION LLC; COASTAL FABRICATION LLC EMPLOYEE BENEFIT PLAN

Defendants - Appellees

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Appeal from the United States District Court  
For the Western District of Louisiana, Lafayette  
6:03-CV-2044

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Before DAVIS, SMITH, and DENNIS, Circuit Judges.

PER CURIAM:\*

After reviewing the record in this case and considering the briefs of the parties and arguments of counsel we are satisfied that the district court correctly concluded that plaintiffs' entire

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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

claim is preempted under ERISA. See Aetna v. Davila, 542 U.S. 200(2004).

On the merits we conclude that the district court correctly dismissed the ERISA claim because Medicaid paid for the surgery and related medical care which was the subject of Bertrand's ERISA benefits claim. Bertrand's right to seek recovery of ERISA benefits for cost of medical care incurred after the judgment entered by the district court which may not be paid by Medicaid is preserved.

AFFIRMED.