

UNITED STATES COURT OF APPEALS
for the Fifth Circuit

No. 90-7056
Summary Calendar

HUNT ENERGY CORPORATION,

Plaintiff-Appellant,

VERSUS

CROSBY-MISSISSIPPI RESOURCES, LTD.,
LYNN CROSBY GAMMILL, STEWART GAMMILL, III
and INTERPINE LUMBER COMPANY,

Defendants-Appellees.

Appeals from the United States District Court
for the Southern District of Mississippi
(CA H 85 265 (L))

(November 18, 1992)

Before KING, DAVIS and WIENER, Circuit Judges.

PER CURIAM:¹

Hunt Energy Corporation appeals the district court's dismissal of its action to recover pro rata unpaid costs incurred in the development and operation of three natural gas wells and a natural gas treating plant. The sole issue presented on appeal is whether the district court correctly concluded that agreements for the development of oil and gas interests must be in writing under Mississippi statute of frauds (Miss. Code Ann. § 15-3-1) (1972) to

¹Local Rule 47.5 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that Rule, the Court has determined that this opinion should not be published.

be enforceable. We agree with the district court that two decisions from this court are controlling: **Sonat Exploration Co. v. Mann**, 785 F.2d 1232 (5th Cir. 1986) and **Huffco Petroleum Corp. v. Massey**, 660 F.Supp. 71 (S.D. Miss. 1986) **aff'd**, 834 F.2d 540 (5th Cir. 1987). Those cases are indistinguishable from today's case. The district court thoroughly analyzed those cases in its comprehensive memorandum opinion and order entered May 2, 1989.

Because the above decisions control the issue presented in this appeal, the judgement of the district court is affirmed.

AFFIRMED.