

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 01-30800

Summary Calendar

MARY KATHERINE HOWELL, individually
and as administratrix and natural
tutrix on behalf of Chester Howell
Estate, on behalf of Melanie Howell,
on behalf of Tiffany Howell,

Plaintiff - Appellant

v.

GOVERNMENT EMPLOYEES INSURANCE COMPANY

Defendant-Appellee

Appeal from the United States District Court
for the Western District of Louisiana, Shreveport
USDC No. 01-CV-295

December 6, 2001

Before KING, Chief Judge, and DAVIS and EMILIO M. GARZA, Circuit
Judges.

PER CURIAM:*

Plaintiff-appellant Mary Katherine Howell, individually and as
administratrix and tutrix, appeals the summary judgment granted by
the district court in favor of defendant-appellee Government
Employees Insurance Company (GEICO). Mrs. Howell argues that the

*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this opinion should not be published and is not precedent except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.

death of Chester Howell arose directly from the negligent "use" of an uninsured vehicle. We agree with the district court that although a car was used to transport Mr. Howell to the secluded roadway where he was shot, Mr. Howell's death was not caused by the negligent driving, handling or use of the car. His death arose from the conscious decision of Timothy and Michael Taylor to shoot him. Accordingly, the district court correctly granted summary judgment in favor of GEICO.

The judgment of the district court is AFFIRMED.