

UNITED STATES COURT OF APPEALS
For the Fifth Circuit

No. 95-30412
Summary Calendar

RODNEY SANDERS,

Plaintiff-Appellant,

VERSUS

THE UNITED STATES OF AMERICA,

Defendant-Appellee.

Appeal from the United States District Court
For the Eastern District of Louisiana
(No. 94-CV-1173-D)

January 8, 1996

Before REAVLEY, JOLLY, AND BENAVIDES, Circuit Judges.

PER CURIAM:*

Rodney Sanders appeals from the district court's order dismissing his medical malpractice action, filed pursuant to the Federal Tort Claims Act, 28 U.S.C. § 2871, et seq., following a non-jury trial. Sanders argues that the district court erred in finding that he gave his informed consent to ear surgery. He also argues that he did not consent to Dr. Stephen Metzinger as the primary surgeon.

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

Sanders' appeal raises challenges to the district court's factual findings, which are reviewed only for clear error. Fed. R. Civ. P. 52(a). This Court will set aside such findings only if, based on the entire record, we are left with the definite and firm conviction that a mistake has been made. Burlington Northern v. Office of Inspector General, 983 F.2d 631, 639 (5th Cir. 1993).

Our review of the record reveals that the district court's findings of fact and conclusions of law were not clearly erroneous. Accordingly, the district court's judgment of dismissal is

AFFIRMED.