

REVISED

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-11155
Summary Calendar

JOHN FREDERICK SCHWERTZ, on behalf of John Frederick Schwertz, Jr.,
Individually and as next friend of; SUSAN HAELIG SCHWERTZ, on
behalf of John Frederick Schwertz, Jr., Individually and as next
friend of;

Plaintiffs-Appellants,

versus

JOHN M. ZIMBUREAN, et al.,

Defendants.

JOHN M. ZIMBUREAN; RONALD S. FLEISCHMANN; GROVER LAWLIS; LESLIE
SECRET; FRED L. GRIFFIN; ANGELA M. WOOD; WILLIAM M. PEDERSON; GARY
LEE ETTER; BRADFORD M. GOFF; LARRIE W. ARNOLD; NME HOSPITALS, INC.,
doing business as Brookhaven Psychiatric Pavilion, doing business
as R. H. Dedman Memorial Medical Center, Inc.; NATIONAL MEDICAL
ENTERPRISES, INC.; PSYCHIATRIC INSTITUTES OF AMERICA, INC., also
known as NME Psychiatric Hospitals, Inc., also known as Tennet,
Inc.; DALLAS PSYCHIATRIC ASSOCIATES; LARRIE W. ARNOLD, PA; LESLIE
H. SECRET, PA; WILLIAM M. PEDERSON, PA; FRED L. GRIFFIN, PA;
RONALD FLEISCHMANN, PA; BRADFORD M. GOFF, PA; GROVER M. LAWLIS, PA;
ANGELA M. WOOD, PA; JOHN M. ZIMBUREAN, PA; GARY LEE ETTER, PA;

Defendants-Appellees.

Appeal from the United States District Court
for the Northern District of Texas
(No. 4:95-CV-370-A)

July 7, 1997

Before REYNALDO G. GARZA, HIGGINBOTHAM, and DeMOSS, Circuit Judges.

PER CURIAM:*

John and Susan Schwertz appeal the district court's entry of summary judgment on their claims under RICO, § 1983, and Texas law. The district court determined that all of their claims were barred by the applicable statute of limitations. Having reviewed the briefs, the summary judgment evidence, and the district court's opinion, we affirm.

The conclusion we reach today is in accord with those reached by other panels of this court. *Mitchell v. Bolan*, No. 96-11168 (5th Cir. 1997). With respect to the plaintiffs' RICO claim, we awaited the decision of the Supreme Court in *Klehr v. A.O. Smith Corp.*, No. 96-663, 1997 WL 331794 (U.S. June 19, 1997). Having reviewed this decision, we conclude that it does not save this claim.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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