

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 97-30718

Summary Calendar

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JUDE TROSCLAIR,

Plaintiff-Appellant,

versus

SHELL OIL COMPANY, ET AL

Defendants

KERR-MCGEE CORPORATION;  
SHELL OFFSHORE, INC.

Defendants- Appellees

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Appeal from the United States District Court  
for the Eastern District of Louisiana  
(95-CV-3799-D)

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February 19, 1998

Before KING, HIGGINBOTHAM, and DAVIS, Circuit Judges.

PER CURIAM:\*

The district court granted summary judgment in favor of Kerr-McGee Corporation and Shell Offshore, Inc. Trosclair has failed to present evidence demonstrating a genuine issue of material fact as to whether defendants retained operational control over Dolphin's clean-up efforts or expressly or impliedly authorized those acts. See Coutler v. Texaco, Inc., 117 F.3d 909, 912 (5th Cir. 1997).

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Trosclair's argument that defendants owed him a duty to ensure that the clean-up activities were safely conducted is without merit. Dupre v. Chevron, Inc., 109 F.3d 230, 231 (5th Cir. 1997) (per curiam); Graham v. Amoco Oil, Inc., 21 F.3d 643, 647 (5th Cir. 1994). The judgment of the district court is affirmed.