

**UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

No. 98-60167
Summary Calendar

BETTYE D. WEST, Individually and on behalf
of all others similarly situated,

Plaintiff-Appellant,

versus

FIRST ALLMERICA FINANCIAL LIFE
INSURANCE COMPANY,

Defendant-Appellee.

Appeal from the United States District Court
for the Southern District of Mississippi
(2:96-CV-454-PG)

December 23, 1998

Before POLITZ, Chief Judge, DAVIS and JONES, Circuit Judges.

PER CURIAM:*

Bettye West appeals summary judgment in favor of defendant First Allmerica Financial Life Insurance Company on her personal and attempted class action claims for employee benefits under 29 U.S.C. §§ 1001 *et seq.* Our review of the record, briefs, and controlling precedents persuades that this appeal is devoid of merit. Accordingly, on the facts as found, authorities cited,

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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

and analysis made by the district court in its comprehensive and scholarly Memorandum Opinion and Order signed and filed on March 3, 1998, the judgment appealed is AFFIRMED.

First Allmerica has filed a general motion for attorneys fees. We note a pending motion in the district court for the fees relevant to that court's proceedings. Should First Allmerica desire to proceed with its general request for attorneys fees incurred because of this appeal it may file an appropriate request therefor, with the clerk of this court, within 15 days of the issuance of the mandate herein.

AFFIRMED.