

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

98-60710
Summary Calendar

ALFRED C. HABELMAN,

Petitioner,

v.

JANE F. GARVEY, Administrator, Federal Aviation Administration,

Respondent.

Petition for Review of an Order of the
U.S. Department of Transportation and Safety Board
(NTSB EA-4714)

July 19, 1999

Before EMILIO M. GARZA, BENAVIDES, and STEWART, Circuit Judges.

PER CURIAM:*

This appeal is in the form of a petition for review brought by Alfred C. Habelman (Habelman) complaining of a determination by the National Transportation Safety Board (NTSB) that Habelman failed to give the right-of-way to a landing aircraft in violation of 14 C.F.R. § 91.113(g).

To a great extent, Habelman's attack on the decision is focused on the violations of Federal Aviation Rules by the pilot, Mr. Baker, of the other airship with whom Hableman's airship

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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

collided. The issue before us, however, is whether substantial evidence supports a violation found to have been committed by Habelman, not the violations of Baker. In our review of the record, we are mindful that credibility determinations are not for us to make. If substantial evidence in the record would support the decision of the respondent, we must affirm. After consideration of the briefs and arguments contained therein and a careful review of the record, we find substantial evidence to support the findings of the NTSB. Further, we find that Habelman's other complaints have either not been preserved for error or are wholly without merit. Accordingly, the petition for review is DENIED. All pending motions are DENIED.

PETITION DENIED