

UNITED STATES COURT OF APPEALS
For the Fifth Circuit

No. 99-31095

TIMOTHY K. DUNAWAY,

Plaintiff-Appellant,

VERSUS

UNITED STATES OF AMERICA, ET AL.

Defendants,

UNITED STATES OF AMERICA,

Defendant-Appellee,

VERSUS

RODNEY STRAIN,

Defendant-Appellant.

Appeal from the United States District Court
For the Eastern District of Louisiana
98-CV-2035-R

March 28, 2001

Before REYNALDO G. GARZA, DAVIS and JONES, Circuit Judges.

DAVIS, Circuit Judge.*

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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Timothy Dunaway filed this suit against the United States under the Suits in Admiralty Act, 46 U.S.C.A. § 741, et. seq., for injuries he sustained when his boat ran aground on a sandbar in the Pearl River Navigation Canal. The district court dismissed the suit on grounds that the U.S. had not waived sovereign immunity. The court rejected Dunaway's argument that immunity was waived because this claim fell within the discretionary function exception of the Federal Tort Claims Act.

Based on the reasoning of our unpublished opinion in Theriot v. St. Farm Fire, 165 F. 3d. 24 (5th Cir. 1998)(unpublished)[insert publication citation when available] and for reasons assigned by the district court in its thorough Order and Reasons of September 2, 1999, 1999 U.S. Dist. LEXIS 13800 [insert publication citation when available], we affirm the judgment of the district court.

AFFIRMED.