

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 99-50249
A-98-CA-392-JN

AUSTIN TRAFFIC SIGNAL CONSTRUCTION, CO.,
doing business as ATS Electrical Contracts; FRED SHIN,
Plaintiffs-Appellants,

v.

SVERDRUP FACILITIES, INC.,
Defendant-Appellee.

Appeal from the United States District Court
for the Western District of Texas

December 13, 1999

Before JONES, BARKSDALE, and DENNIS, Circuit Judges.

PER CURIAM:*

The court has carefully considered the appeal of Austin Traffic Signal in light of the briefs, arguments of counsel and pertinent portions of the record. Having done so, we find no reversible error of fact or law in the district court's grant of summary judgment.

Appellant's claim for negligent misrepresentation fails in light of Federal Land Bank Ass'n of Tyler v. Sloane, 825 S.W.2d

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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

439 (Tx. 1991). Because Sverdrup had free rein as a consultant to AISD to recommend an electrical contractor, and because AISD could accept the bid of whomever it chose or could have rejected any and all bids, and because appellant was well aware of these facts, the appellant could not justifiably rely upon representations or omissions concerning the status of the bidding process.

With regard to appellant's claims for defamation and tortious interference with contractual relations, the district court's opinion is correct and dispositive of these issues.

The judgment of the district court is **AFFIRMED**.