

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 99-50982
Summary Calendar

THOMAS E. FINCH,

Plaintiff-Appellant,

versus

THE DEE HOWARD CO.;
AEROINTERNATIONAL, INC.;
ALENIA AND FINMECCANICA;
FINMECCANICA,

Defendants-Appellees

THOMAS E. FINCH,

Plaintiff-Appellant

versus

THE DEE HOWARD CO.,

Defendant-Appellee.

Appeals from the United States District Court
for the Western District of Texas
USDC Nos. SA-96-CV-979-FB, SA-98-CV-156-FB

August 23, 2000

Before SMITH, BENAVIDES, and DENNIS, Circuit Judges.

PER CURIAM:*

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Thomas Finch appeals the grant of summary judgment to the defendants. The district court did not err. Finch ratified the release of his ERISA claims. See Williams v. Phillips Petroleum Co., 23 F.3d 930, 935 (5th Cir. 1994). Summary judgment was thus properly granted to the defendants on these claims. Texas law does not recognize a cause of action for fraud in these circumstances. See Leach v. Conoco, Inc., 892 S.W.2d 954 (Tex. App.SSHouston [1st Dist.] 1995, writ dismiss'd). Accordingly, the district court did not err in granting summary judgment on this issue.

AFFIRMED.