

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 99-60158
Conference Calendar

UNITED STATES OF AMERICA,
Upon the Relation and for
the use of the Tennessee
Valley Authority,

Plaintiff-Appellee,

versus

AN EASEMENT AND RIGHT-OF-WAY,
Etc., ET AL.,

Defendants,

THOMAS E. WILLIAMSON,
BRENDA E. WILLIAMSON,

Defendants-Appellants.

Appeal from the United States District Court
for the Northern District of Mississippi
USDC No. 1:96-CV-239-S-D

December 14, 1999

Before JOLLY, HIGGINBOTHAM, and BARKSDALE, Circuit Judges.

PER CURIAM:*

Thomas and Brenda Williamson appeal the district court's adoption of the commission's report in this condemnation case. The Williamsons first argue that the magistrate judge erred in denying their request for a jury trial. However, we lack

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

jurisdiction to consider this issue, as they did not appeal it to the district court. See Colburn v. Bunge Towing, Inc., 883 F.2d 372, 379 (5th Cir. 1989); Fed. R. Civ. P. 72(a).

Appellants next argue that the district court erred in adopting the commissioners' report. The report, which implicitly rejected the testimony of Mrs. Williamson in favor of that of plaintiff's expert, was "neither clearly erroneous nor merely conclusory." United States v. 24.48 Acres of Land, 812 F.2d 216, 218 (5th Cir. 1987). Thus, the district court did not clearly err in adopting the report. See United States v. 8.41 Acres of Land, 680 F.2d 388, 393 (5th Cir. 1982). The judgment is therefore
AFFIRMED.