

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 00-30446

MARIA DEL SOCORRO TELLEZ,
a personal representative of Oscar Manuel Tellez Perez
and as the natural tutrix of Hael Tellez Parra,

Plaintiff-Appellant,

versus

CHIOS SEA SHIPPING & TRADING S A;
HARBOR SHIPPING & TRADING CO S A; SUNRISE SHIPING CO INC,
in personam; CHIOS SEA MV, her engines,
apparel and furniture, in rem,

Defendants-Appellees.

Appeal from the United States District Court
for the Eastern District of Louisiana
District Court Docket Number: 00-CV-67-F

January 12, 2001

Before KENNEDY*, JONES, and DeMOSS, Circuit Judges.

PER CURIAM:**

This case presents the novel question whether the next-of-kin of a deceased Nicaraguan seaman is bound by the foreign forum selection clause contained in the seaman's contract of

* Circuit Judge of the Sixth Circuit, sitting by designation.

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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

employment when bringing a wrongful death action against the seaman's employer. The last-minute withdrawal of appellant's counsel precluded oral argument in the case.¹ However, having considered appellant's position in light of the briefs and pertinent portions of the record we find no reversible error of fact or law in the district court's decision to enforce the forum selection clause. This decision is limited to the facts as they were developed before the district court, which are not dispositive of any broader ruling on the central issue raised by this litigation. On this limited basis, we affirm the judgment of the district court.

AFFIRMED.

¹ Oral argument in this matter had been set for January 8, 2001. On December 29, 2000 counsel or record for the appellant moved to withdraw from the case. Because appellant was in the process of terminating or had terminated her relationship with her attorney in Miami, who in turn discharged counsel in this court, counsel's motion to withdraw was granted.