

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 01-40986
Summary Calendar

JAMES STEWART,

Plaintiff-Appellant,

versus

HARTFORD LIFE & ACCIDENT
INSURANCE COMPANY,

Defendant-Appellee.

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 6:00-CV-419

May 16, 2002

Before POLITZ, STEWART, and DENNIS, Circuit Judges.

PER CURIAM:*

James Stewart appeals an adverse summary judgment rejecting his claims under the Employee Retirement Income Security Act of 1974. He contends that the district

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

court erred in holding that the Hartford Life & Accident Insurance Company acted within its discretion in terminating his disability benefits.

Stewart's suit against Hartford alleges that he had been an employee of Wal-Mart Stores and that he had applied for and received disability insurance benefits provided by Hartford following an injury. He claims that after initially honoring his claim for disability benefits Hartford wrongfully terminated those payments. Finding that Hartford had not abused its discretion in determining that Stewart was not disabled, the district court granted summary judgment dismissing Stewart's claims. Our review of the record persuades beyond peradventure that Stewart has failed to demonstrate that Hartford abused its discretion in determining that he was not disabled under the subject disability plan.¹

The judgment of the district court is AFFIRMED.

¹ Meditrust Fin. Servs. v. Sterling Chems., Inc., 168 F.3d 211, 214 (5th Cir. 1999); Duhon v. Texaco, Inc., 15 F.3d 1302, 1306-08 (5th Cir. 1994).