

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 02-30222  
Summary Calendar

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LLOYD BALLIVIERO,

Plaintiff-Appellee,

versus

GORDON K. KONRAD; LANA WERNER KONRAD;  
SHAWN M. KONRAD; BELLE CHASSE MARINE  
TRANSPORTATION, INC.,

Defendants-Appellants.

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Appeal from the United States District Court  
for the Eastern District of Louisiana  
USDC No. 01-CV-2014-K  
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January 7, 2003

Before DAVIS, WIENER, and EMILIO M. GARZA, Circuit Judges.

PER CURIAM:\*

Gordon K. Konrad, Lana Werner Konrad, Shawn M. Konrad, and Belle Chasse Marine Transportation, Inc., appeal the order dismissing pursuant to 28 U.S.C. § 1915(e)(2)(A) Lloyd Balliviero's action without prejudice due to misrepresentations on his in forma pauperis affidavit. They argue that the dismissal should have been with prejudice.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

After a hearing, the district court determined that the circumstances of Balliviero's misrepresentations warranted a dismissal without prejudice. The defendants have not shown that the district court abused its discretion. See, e.g., Lay v. Justices-Middle Dist. Court, 811 F.2d 285, 286 (5th Cir. 1987).

AFFIRMED.