

UNITED STATES COURT OF APPEALS
For the Fifth Circuit

No. 02-30958

Summary Calendar

MARY LETA FAULK, Individually and on behalf of Bonnie Faulk, on behalf of Marisa Mesa; on behalf of Julian Faulk; on behalf of Bacari Faulk; on behalf of Mondo Faulk; on behalf of Javier Mesa; on behalf of Diego Mesa; CARDELLE FAULK, Individually and on behalf of Bonnie Faulk, on behalf of Marisa Mesa, on behalf of Julian Faulk, on behalf of Bacari Faulk, on behalf of Mondo Faulk, on behalf of Javier Mesa, on behalf of Diego Mesa; CLAYTON PREJEAN, Individually and on behalf of James Mesa, on behalf of Javier Mesa, on behalf of Diego Mesa; BARBARA MESA, Individually and on behalf of James Mesa, on behalf of Javier Mesa, on behalf of Diego Mesa; LEO PAUL DAVIS, JR, Individually and on behalf of Mondo Faulk

Plaintiffs-Appellants,

VERSUS

ATMOS ENERGY CORP, doing business as Trans Louisiana Gas Co

Defendant-Appellee.

Appeal from the United States District Court
For the Western District of Louisiana, Lafayette

(02-CV-540)

March 5, 2003

Before BARKSDALE, DEMOSS and BENAVIDES, 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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under

Mary Leta Faulk, Individually and in various representative capacities, along with others in individual and representative capacities (hereinafter jointly referred to as "plaintiffs") filed suit against Atmos Energy Corp (doing business as Trans Louisiana Gas Co) (hereinafter referred to as "Atmos") in the United States District Court for the Western District of Louisiana on diversity jurisdiction seeking recovery damages for the death of eight individuals who died in a house fire in Lafayette, Louisiana, in January, 2002. Plaintiffs allege that Atmos is liable because it refused to supply natural gas services to the residence in which the plaintiffs and decedents were living; and as a result plaintiffs were forced to use an electric space heater which malfunctioned and caused the fire on a very cold night. Atmos answered and moved to dismiss under Rule 12 b(6). The matter was referred to the magistrate judge for report and recommendation. In a very thorough and carefully researched report, the magistrate judge recommended granting of the motion to dismiss. The district court reviewed and adopted the magistrate's report. Plaintiffs appeal to this Court.

We have carefully reviewed the briefs, the record excerpts, and relevant portions of the record itself. For the reasons stated by the magistrate judge in his report and recommendation filed on July 2, 2002, we affirm the decision of the district court to adopt

the limited circumstances set forth in 5TH CIR. R. 47.5.4.

the magistrate's report and enter a judgment of dismissal with prejudice. AFFIRMED.