

**FILED**

**July 6, 2005**

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 04-30725

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UNITED STATES OF AMERICA, for the Use and Benefit of BOES IRON  
WORKS, INC.

Plaintiff - Appellee

v.

PETE VICARI GENERAL CONTRACTOR INC; MID-CONTINENT CASUALTY CO

Defendants - Appellants

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Appeal from the United States District Court  
for the Eastern District of Louisiana  
USDC No. 2:00-CV-1292  
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Before KING, Chief Judge, and DAVIS, Circuit Judge, and  
ROSENTHAL,\* District Judge.

PER CURIAM:\*\*

The judgment of the district court is affirmed for  
essentially the reasons set out in the Oral Reasons for Judgment  
filed April 26, 2004.

AFFIRMED.

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\* District Judge of the Southern District of Texas,  
sitting by designation.

\*\* Pursuant to 5<sup>TH</sup> 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that this opinion should not be published and is not precedent  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 5<sup>TH</sup> CIR.  
R. 47.5.4.