

**December 20, 2005**

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 05-20201

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BERNARD SMITH

Plaintiff-Appellant,

versus

THOMAS RIDGE, SECRETARY, DEPARTMENT OF HOMELAND SECURITY

Defendant-Appellee.

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Appeal from the United States District Court  
for the Southern District of Texas  
Case No. 4:03-CV-5864

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Before JONES, DeMOSS, and CLEMENT, Circuit Judges.

PER CURIAM:\*

The court has carefully reviewed this appeal in light of the briefs, oral arguments, and pertinent parts of the record. Having done so, we find no reversible error of law or fact and therefore AFFIRM for essentially the reasons stated by the trial court.

**AFFIRMED.**

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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