

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT**

United States Court of Appeals  
Fifth Circuit

**FILED**

August 4, 2010

Lyle W. Cayce  
Clerk

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No. 09-11214  
\_\_\_\_\_

TRUK INTERNATIONAL FUND LP

Plaintiff-Appellant

v.

DAVID W. WEHLMANN; RANDALL BOYD; DONALD W. NIEMIEC; ROBERT L. GAUDIN; WILLIAM O. POWELL, III; CANACCORD ADAMS INC; CANACCORD CAPITAL CORPORATION; CANO PETROLEUM, INC.; S. JEFFREY JOHNSON; MORRIS B. SMITH; BEN DAITCH; MICHAEL J. RICKETTS; PATRICK MCKINNEY,

Defendants-Appellees

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 4:09-CV-00308-A  
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Before KING, HIGGINBOTHAM, and GARZA, Circuit Judges.

PER CURIAM:\*

Truk International Fund, LP (“Truk”), a mutual fund, appeals the district court’s order dismissing its class action complaint, in which Truk alleged violations of sections 11, 12(a)(2) and 15 of the Securities Act of 1933 by Cano Petroleum, Inc., various individual defendants who are officers or directors of

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Cano (collectively “Cano”), and the underwriters of the offering, related to an offering of Cano securities. We have reviewed the record and the parties’ briefs and oral arguments. We AFFIRM essentially for the reasons given by the able district court.