

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

United States Court of Appeals  
Fifth Circuit

**FILED**

June 15, 2011

Lyle W. Cayce  
Clerk

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No. 11-30103  
Summary Calendar

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BETTY COLAR,

Plaintiff-Appellant,

versus

WINN-DIXIE MONTGOMERY, INCORPORATED,

Defendant-Appellee.

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Appeal from the United States District Court  
for the Middle District of Louisiana  
USDC No. 3:09-CV-755

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Before DAVIS, SMITH, and SOUTHWICK, Circuit Judges.

PER CURIAM:\*

This is a common slip-and-fall diversity claim regarding an accident at a grocery store. The district court entered summary judgment for the store.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

No. 11-30103

We have reviewed the briefs and pertinent portions of the record and have consulted the applicable law. There is no error. The district court properly concluded as follows: “Plaintiff has put forth no evidence that Winn Dixie had actual or constructive notice of the substance on the floor prior to plaintiff’s fall. Similarly, plaintiff has not established that Winn Dixie failed to exercise reasonable care.”

The summary judgment is AFFIRMED, essentially for the reasons set forth by the district court in its Ruling dated January 26, 2011.