

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

United States Court of Appeals  
Fifth Circuit

**FILED**

September 7, 2012

Lyle W. Cayce  
Clerk

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No. 11-50415  
Summary Calendar

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MICHAEL L. MACGOWAN, JR.,

Plaintiff-Appellant

v.

KELLY COX; DERRICK SHYROCK,

Defendants-Appellees

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Appeals from the United States District Court  
for the Western District of Texas  
USDC No. 1:11-CV-22

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Before WIENER, ELROD, and GRAVES, Circuit Judges.

PER CURIAM:\*

Michael L. Macgowan, Jr., filed a pro se suit in federal court alleging admiralty jurisdiction. Macgowan alleged that he rescued a jet ski drifting on Lake LBJ, and he sought \$3,000, half the value of the vessel, as a salvage fee. The district court found that Lake LBJ was a landlocked lake, bounded by impassible dams on both ends, and located entirely within a single state. For these reasons, the district court found that Lake LBJ is not a navigable

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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waterway for the purpose of admiralty jurisdiction, and dismissed the case for lack of subject matter jurisdiction.

Macgowan argues that the district court erred in dismissing his suit. A district court's dismissal for lack of subject-matter jurisdiction is reviewed de novo. *Musslewhite v. State Bar of Texas*, 32 F.3d 942, 945 (5th Cir. 1994). In *Guillory v. Outboard Motor Corp.*, 956 F.2d 114, 115 (5th Cir. 1992), this court held that Crooked Creek Reservoir, a body of water contained within Louisiana and blocked by dams, was not a navigable waterway for admiralty jurisdiction purposes because interstate travel through the waterway was not possible. Given the findings of the district court and Macgowan's concessions, Lake LBJ is not part of a waterway through which interstate travel is possible. The district court did not err in dismissing this action for lack of jurisdiction.

**AFFIRMED.**