

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

United States Court of Appeals
Fifth Circuit

FILED

March 11, 2013

No. 12-20147

Lyle W. Cayce
Clerk

MARINER ENERGY, INCORPORATED; MARINER ENERGY RESOURCES
INCORPORATED,

Plaintiffs - Appellees

v.

DEVON ENERGY PRODUCTION COMPANY, L.P.

Defendant - Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:08-CV-658

Before KING, SOUTHWICK, and GRAVES, Circuit Judges.

PER CURIAM:*

The judgment of the district court is affirmed for essentially the reasons given by the district court in its Memorandum and Order filed February 11, 2010, *Mariner Energy, Inc. v. Devon Energy Prod. Co.*, 690 F. Supp. 2d 558 (S.D. Tex. 2010), and its Memorandum and Order filed August 3, 2011.

AFFIRMED.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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