

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

No. 15-30685
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

December 2, 2015

Lyle W. Cayce
Clerk

JOYCELYN GRIFFIN,

Plaintiff–Appellant,

versus

WAL-MART LOUISIANA, L.L.C.,

Defendant–Appellee.

Appeal from the United States District Court
for the Middle District of Louisiana
No. 3:14-CV-110

Before REAVLEY, SMITH, and HAYNES, Circuit Judges.

PER CURIAM:*

This is an ordinary retail slip-and-fall case under Louisiana law per diversity jurisdiction. Although the plaintiff pleaded that she fell because of the defendant store’s failure to remove a foreign substance on the floor, she

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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testified that she does not recall what caused her to fall.

The defendant moved for summary judgment, which the district court granted, issuing a succinct but sufficiently thorough ruling that carefully examined the facts in light of Louisiana law. The court concluded, “Upon burden shifting to non-movant, Plaintiff falls short of carrying her burden of proof because the statute does not allow the factfinder to make inferences of the condition, but requires Plaintiff to make a positive showing. The Court concludes Plaintiff has failed to make a positive showing of the existence of the condition prior to the fall.”

The summary judgment is **AFFIRMED**, essentially for the reasons convincingly stated by the district court.