

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

---

No. 18-60046  
Summary Calendar

---

United States Court of Appeals  
Fifth Circuit

**FILED**

July 20, 2018

Lyle W. Cayce  
Clerk

THOMAS E. GRAY, JR.,

Plaintiff - Appellant

v.

ZURICH AMERICAN INSURANCE COMPANY,

Defendant - Appellee

---

Appeal from the United States District Court  
for the Southern District of Mississippi  
USDC No. 2:17-CV-34

---

Before REAVLEY, GRAVES, and HO, Circuit Judges.

PER CURIAM:\*

The judgment of the district court is affirmed for the reasons given by that court. Appellant insists that the Mississippi Supreme Court opinion in *Allen v. Banks*, 384 So. 2d 63 (1980) supports intoxication as the negligence of liability, but that opinion makes it clear that causation is a different matter. The gap in the appellant's case here is that no evidence would support a proximate cause of causation for this case's path.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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