

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

United States Court of Appeals
Fifth Circuit

FILED

January 10, 2020

Lyle W. Cayce
Clerk

No. 19-20166
Summary Calendar

JAMES-ZACHARY CLIFTON JORDAN,

Plaintiff–Appellant,

versus

NOAH ZAVOLAS,

Defendant–Appellee.

Appeal from the United States District Court
for the Southern District of Texas
No. 4:18-CV-4

Before DAVIS, SMITH, and HIGGINSON, Circuit Judges.

PER CURIAM:*

In this diversity case stemming from an auto accident, the plaintiff appeals a take-nothing judgment based on the jury’s answer of “no” to the question, “Did the negligence, if any, of Noah Zavolas proximately cause the

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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occurrence in question?” The magistrate judge, who tried the case by consent, denied plaintiff’s motion for new trial, succinctly explaining that “under Texas law, being the ‘cause’ of an accident does not equate with being negligent.” Thus, despite that the defendant admitted to being the cause for having crossed the center line on a curve on a slippery road, there was sufficient evidence for the jury to find no negligence.

The judgment is AFFIRMED, essentially for the reasons given by the magistrate judge.