

UNITED STATES COURT OF APPEALS
For the Fifth Circuit

No. 92-3732
Summary Calendar

SURFACE PREPARATION AND COATING
ENTERPRISES, INC., a/k/a SPACE,

Plaintiff-Appellant,

VERSUS

MARTIN MARIETTA MANNED SPACE
SYSTEMS, DIVISION OF MARTIN
MARIETTA CORPORATION,

Defendant-Appellee.

Appeal from the United States District Court
For the Eastern District of Louisiana

CA 91 4401 H

(May 5, 1993)

Before HIGGINBOTHAM, SMITH, and DeMOSS, Circuit Judges.

PER CURIAM:*

We have carefully reviewed the briefs, the reply brief, and the record excerpts, together with relevant portions of the record

*Local Rule 47.5 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that Rule, the Court has determined that this opinion should not be published.

itself; and have concluded that:

1. The magistrate judge's ruling denying "Plaintiff's Motion To Amend" was not "clearly erroneous or contrary to law";
2. The trial judge's decision to deny "Plaintiff's Motion to Continue Hearing on Motion for Summary Judgement" was not an abuse of discretion on the part of the trial judge; and
3. The determination of the trial judge that plaintiff has no claim under the Louisiana Unfair Trade Practices and Consumer Protection Act, La. Rev. Stat. Ann. § 51:1401-1418, and that plaintiff has no action "ex contractu"; and that defendant's motion for summary judgment should be granted as a matter of law should be affirmed.

Accordingly, we **AFFIRM** the judgment of the trial court herein.