

UNITED STATES COURT OF APPEALS
For the Fifth Circuit

No. 92-7673
Summary Calendar

S & W CONSTRUCTION AND MATERIALS COMPANY, INC.,

Plaintiff-Counter
Defendant-Appellant,

VERSUS

DRAVO BASIC MATERIALS COMPANY, INC.,

Defendant-Counter
Plaintiff-Appellee.

Appeal from the United States District Court
For the Southern District of Mississippi

CA J91 0145 L

(May 14, 1993)

Before HIGGINBOTHAM, SMITH, and DeMOSS, Circuit Judges.

PER CURIAM:*

We have carefully reviewed the briefs, the reply brief, the record excerpts, and pertinent parts of the record in this case; and being of the opinion that, for the reasons set forth in the lengthy memorandum opinion and order by the district court,

*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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

appellant raised no material issue of fact, and the granting of appellee's motion for summary judgment, both as to all claims asserted against appellee and as to appellee's counter-claim against appellant, was proper.

We therefore AFFIRM the judgment of the trial court.