

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 93-1632
Summary Calendar

PATRICIA WORTH,

Plaintiff-Appellant,

versus

ALLSTATE INSURANCE COMPANY and
RESOLUTION TRUST CORPORATION,
as receiver for Southwest
Savings Association,

Defendants-Appellees.

Appeal from the United States District Court for
the Northern District of Texas
(3:90-CV-1639-T)

(January 26, 1994)

Before REAVLEY, DAVIS and DeMOSS, Circuit Judges.

PER CURIAM:*

Patricia Worth sued Southwest Savings Association and Allstate Insurance Company because of her injuries when she fell down a stairway to the building in which Allstate had an office. At the close of her case in a trial to the court, judgment was entered for the defendants.

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

The facts are that Southwest Savings Association, or its receiver, had no ownership or control of the building until a foreclosure sale following plaintiff's fall. Nor did Allstate have control or responsibility for maintenance of the stairway. Allstate was a tenant with no control of that common area of the building. Under Texas law Allstate was not an occupier of the premises alleged to have been unsafe, and owed plaintiff no duty. See Howe v. Kroger Co., 589 S.W.2d 929 (Tex. Civ. App.) Dallas 1980, no writ).

AFFIRMED.