

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 93-2408

ESTATE OF FINIS A. O'DANIEL,
DECEASED, KEITH A. O'DANIEL and
DEBORAH N. CANTRELL, as CO-EXECUTORS,

Plaintiffs-Appellee,

v.

UNITED STATES OF AMERICA,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
(CA-H-89-2534)

(March 4, 1994)

Before KING and WIENER, Circuit Judges, and DOHERTY*, District
Judge.

PER CURIAM:**

The district court did not clearly err in determining
that the net worth of the Estate of Finis A. O'Daniel was less
than \$2,000,000. The only evidence was that submitted by the
Estate which showed that the net worth was well below that

*District Judge of the Western District of Louisiana, sitting
by designation.

**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that this opinion should not be published.

amount. We need not and do not decide whether the applicable net worth limitation is that set forth in 28 U.S.C. §2412(d)(2)(B)(i) or (ii).

AFFIRMED.