

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 93-5207
Summary Calendar

RICHARD G. WHITE
and
BARBARA WHITE,

Plaintiffs-Appellants,

VERSUS

BROWNING-FERRIS, INC.,

Defendant-Appellee.

Appeal from the United States District Court
for the Western District of Louisiana
(92-CV-958)

(January 27, 1994)

Before GARWOOD, SMITH, and DeMOSS, Circuit Judges.

PER CURIAM:*

This is a simple diversity case resulting from an automobile accident. The matter was tried to the court, which found the defendant one hundred percent liable and awarded damages of \$122,165.83.

The court explained its reasons in a careful, seventeen-page

* Local Rule 47.5.1 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 Pursuant to that rule, the court has determined that this opinion should not be published.

opinion setting forth its findings of fact and conclusions of law. The plaintiff, on appeal, challenges only the amount of the award as to certain elements.

We affirm, essentially for the reasons given by the district court. As it should have done, the court made credibility determinations and carefully weighed the evidence. We uphold such findings unless they are clearly erroneous. There is no such clear error here, as the district court's determinations are a permissible view of the evidence. The award is substantial and fair, although not what the plaintiff had hoped for.

The judgment is AFFIRMED.