

UNITED STATES COURT OF APPEALS
For the Fifth Circuit

No. 93-7577
Summary Calendar

JOHNNY SANDERS,
for himself and on behalf of all
others similarly situated,

Plaintiff-Appellant,

VERSUS

SANDERSON PLUMBING PRODUCTS, INC.,

Defendant-Appellee.

Appeal from the United States District Court
for the Northern District of Mississippi

(EC91-CV-316)

(April 27, 1994)

Before GARWOOD, SMITH and DeMOSS, Circuit Judges.

PER CURIAM:*

We have carefully reviewed the briefs, the record excerpts and relevant portions of the record itself and have concluded that in this Title VII case tried before the district court without a jury:

(1) the district court did not err in denying plaintiff's

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

request for a jury trial;

(2) the district court did not err in refusing plaintiff's motion for mistrial when a witness called by the defendant died of a massive heart attack during his testimony; and

(3) the lengthy findings of fact and conclusions of law set forth by the district court in its memorandum opinion filed August 30, 1993 were not clearly erroneous and were not against the overwhelming weight of the evidence.

Accordingly, we AFFIRM the final judgment entered by the district court.