

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 94-10154
Summary Calendar

CALVIN SULAK,

Plaintiff-Appellant,

versus

ATLANTIC AMERICAN CORP., ET AL.,

Defendants,

BANKERS FIDELITY LIFE INSURANCE
COMPANY,

Defendant-Appellee.

Appeal from the United States District Court
For the Northern District of Texas
(3:92-CV-2088-P)

(August 25, 1994)

Before JOLLY, SMITH, and WIENER, Circuit Judges.

PER CURIAM:*

In this breach of contract case, Plaintiff-Appellant Calvin Sulak appeals the district court's grant of summary judgment in

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

favor of Defendant-Appellee Bankers Fidelity Life Insurance Company (the company).¹ Sulak, an insurance agent for the company, contests the district court's conclusion that the company had a contractual right to stop paying commissions on premium increases collected on policies issued before December 31, 1987.

We have carefully considered the facts and legal arguments advanced by counsel in their briefs to this court and have reviewed the record. We are satisfied that the district court's opinion more than adequately addresses and disposes of the issues. We can add nothing to the correct and comprehensive analysis contained in the district court's opinion. Therefore, instead of writing separately, we adopt the reasoning, findings, and conclusions expressed therein, incorporate it by reference, and annex a copy hereto.

AFFIRMED.

¹Sulak also appeals from the district court's "denial" of his motion for leave to file a partial summary judgment motion on the sole issue of liability))the same issue presented to the court in the company's motion for summary judgment. Sulak asks this court to grant leave, and then to grant his motion for partial summary judgment. But the district court never acted on his motion for leave, much less his motion for partial summary judgment. Even assuming that the motion is not moot, this court is without appellate jurisdiction to address it.