

# UNITED STATES COURT OF APPEALS

## FOR THE FIFTH CIRCUIT

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No. 94-10735

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BERNARD J. DOLENZ,

Plaintiff-Appellant,

versus

NATIONWIDE INDEMNITY  
INSURANCE COMPANY,

Defendant-Appellee.

Appeal from the United States District Court for the  
Northern District of Texas  
(3:93 CV 0049 G)

(June 9, 1995)

Before HIGGINBOTHAM and PARKER, Circuit Judges, and MCBRYDE,<sup>1</sup>  
District Judge.

PER CURIAM:<sup>2</sup>

We are persuaded that the district court had jurisdiction, and this suit was not a direct action under 28 U.S.C. §1332(c)(1). We affirm the grant of summary judgment. Dolenz failed to demonstrate a right to recover. We agree with the judgment entered by the magistrate judge, but not with his

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<sup>1</sup>District Judge of the Northern District of Texas, sitting by designation.

<sup>2</sup>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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

rationale insofar as it rested upon broadly stated views of public policy.

AFFIRMED.