

UNITED STATES COURT OF APPEALS
For the Fifth Circuit

No. 94-30130
Summary Calendar

TOP TOOL COMPANY, INC.,

Plaintiff-Appellant,

VERSUS

CHEVRON, USA, INC.,

Defendant-Appellee.

Appeal from the United States District Court
for the Eastern District of Louisiana

(CA-93-3287-E)

(June 29, 1994)

Before GARWOOD, SMITH and DeMOSS, Circuit Judges.

PER CURIAM:*

We have carefully reviewed the briefs, the record excerpts, the reply brief and relevant portions of the record, and we are satisfied that the district court did not abuse its discretion in dismissing without prejudice appellant's suit under the Declaratory Judgment Act. Another suit involving the same parties was pending

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

in the state court in Texas and provided an adequate forum for resolution of the issues raised by the declaratory judgment action. Accordingly, we AFFIRM the order of dismissal without prejudice.