

UNITED STATES COURT OF APPEALS  
For the Fifth Circuit

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No. 94-40343

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Mary Poullard SMITH,

Plaintiff-Appellant,

VERSUS

ARCADIAN CORP., et al,

Defendants-Appellees.

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Appeal from the United States District Court  
For the Western District of Louisiana

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(93-CV-675)

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(May 22, 1995)

Before REYNALDO G. GARZA, HIGGINBOTHAM, and PARKER, Circuit Judges.

PER CURIAM:\*

In this appeal, we are again faced with the same claim of fraudulent joinder as we faced in Ford v. Elsbury, 32 F.3d 931 (5th Cir. 1994). Because Ford v. Elsbury binds us, we find that the

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

district court lacked diversity jurisdiction as to Elsbury,<sup>1</sup> and accordingly reverse and remand this action to the state courts of Louisiana.

REVERSED and REMANDED.

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<sup>1</sup>Because the district court lacked jurisdiction, we do not reach the issue of whether Corman was fraudulently joined; Corman may seek a dismissal in the Louisiana state courts.