

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 94-60248

LISA K. MATHIS, Etc.,

Plaintiff-Appellant,

versus

LIFE INSURANCE COMPANY OF NORTH AMERICA,

Defendant-Appellee.

Appeal from the United States District Court
for the Southern District of Mississippi
(92-CV-184)

(December 14, 1994)

Before HIGGINBOTHAM, SMITH, and PARKER, Circuit Judges.

PER CURIAM:*

In this action brought pursuant to ERISA, the plaintiff seeks recovery under an insurance policy that provides benefits in the event of accidental death. We have reviewed the briefs, the applicable law, and pertinent portions of the record and have heard the arguments of counsel.

We conclude that the district court was correct in granting

* Local Rule 47.5.1 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 Pursuant to that rule, the court has determined that this opinion should not be published.

summary judgment denying benefits. There is nothing in the record to indicate that there occurred an "accident" as contemplated by the insurance policy. In any event, there is no showing that the insurer abused its discretion in denying benefits. Nor is this matter barred by collateral estoppel or res judicata.

The judgment is AFFIRMED.