

UNITED STATES COURT OF APPEALS
For the Fifth Circuit

No. 94-60296
Summary Calendar

J. DONNA MORNINGSTAR, Individually
and J. DONNA MORNINGSTAR, as Administrator
of the Estate of Marvin Douglas Morningstar, Deceased,
Plaintiff-Appellant

VERSUS

GENERAL MOTORS CORPORATION,
a Delaware Corporation,
Defendant-Appellee.

Appeal from the United States District Court
for the Southern District of Mississippi

(CA-3:93-186)

(September 7, 1994)

Before KING, JOLLY and DeMOSS, Circuit Judges.

PER CURIAM:*

BACKGROUND

On March 22, 1987, Marvin Douglas Morningstar, a resident of Kansas, was killed in an automobile accident that occurred in the State of Kansas when the 1984 Chevrolet pick-up truck which he was

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

driving was struck by another vehicle on the right side, rupturing the fuel tank and causing an explosion and fire. On March 19, 1993, J. Donna Morningstar, the mother of Marvin Douglas Morningstar and also a resident of Kansas, filed this wrongful death action in Hinds County Circuit Court in the State of Mississippi, alleging that General Motors defectively designed the truck in which Marvin was killed. General Motors removed the case to the federal district court for the Southern District of Mississippi and filed a motion for summary judgment on the grounds that this action is barred by the Kansas Statute of Limitation of two years for wrongful death actions. See K.S.A. § 60-513(a)(5). For the reasons so thoroughly articulated by the district court in its Memorandum Opinion and Order filed February 11, 1994, we AFFIRM the final judgment of the district court dismissing this cause with prejudice on the grounds that it is barred by the applicable Kansas 2-year statute of limitations.

AFFIRMED.