

UNITED STATES COURT OF APPEALS
for the Fifth Circuit

No. 95-30198
Summary Calendar

JUAN B. NAVARRETE,

Plaintiff-Appellant,

VERSUS

ROBERT B. MITCHELL and
NATIONAL CAR RENTAL SYSTEM, INC.,

Defendants-Appellees.

Appeal from the United States District Court
for the Eastern District of Louisiana
(CA-94-27-B)

November 13, 1995

Before DAVIS, BARKSDALE and DeMOSS, Circuit Judges.

PER CURIAM:¹

Following a bench trial, the district court entered a take nothing judgment in favor of the defendant Robert B. Mitchell. Navarrete contends on appeal that the district court clearly erred in concluding that he did not aggravate his pre-existing back disorder in the automobile accident sued upon. We conclude that

¹Local 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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

the record amply supports the district court's conclusion and affirm.

We reverse the findings of a trial judge only if clearly erroneous. Fed. Rule Civ. P. 52(a); Anderson v. Bessemer City, 470 U.S. 564 (1955). In support of the trial judge's rulings are the following facts: (1) The January 27, 1993, auto accident was a minor one; Navarrete estimated the property damage to his vehicle at \$40 to \$50. (2) Navarrete had experienced serious low back problems over an extended period of time. In 1982 he underwent a lumbar laminectomy and discectomy because of a herniated lumbar disc. From the time of his surgery until his January 1993 accident, he had intermittent problems with pain in his back and lower extremities. (3) Two examining physicians found no objective change in Navarrete's low back following the January 1993 accident. (4) Navarrete did not seek medical care for at least six weeks following this accident and missed no time from work following this accident.

Because the district court's findings of fact are not clearly erroneous, we affirm its judgment predicated on those findings.

AFFIRMED.