

UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 95-30315

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FIRST NATIONAL BANK; HIBERNIA NATIONAL BANK,  
HIBERNIA NATIONAL BANK, AS SUCCESSORS  
IN INTEREST FOR FIRST NATIONAL BANK,

Plaintiffs,

and

FEDERAL DEPOSIT INSURANCE CORPORATION,  
as Receiver for First National Bank,

Plaintiff-Appellee,

versus

BRAINTREE INC; KERMIT L ROUX, JR;  
and KATHRYN FELT ROUX;

Defendants-Appellants.

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Appeal from the United States District Court for the  
Eastern District of Louisiana  
(94-CV-1544-S)

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February 15, 1996  
Before JOLLY, JONES, and BENAVIDES, Circuit Judges.

PER CURIAM:\*

After considering the record and briefs in this appeal, we  
affirm for the following reasons:

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\*Pursuant to Local Rule 47.5, the court has determined that this  
opinion should not be published and is not precedent except under  
the limited circumstances set forth in Local Rule 47.5.4.

1. The Federal Deposit Insurance Company (FDIC) reacquired the note which it originally transferred to Hibernia National Bank; and

2. The note reacquired by the FDIC was a part of a bulk sale originally conducted by the FDIC.

Under such circumstances, Louisiana's litigious redemption statute is not applicable. See Moss v. Coury, 613 So.2d 270 (La. Ct. App. 1992); Peoples Homestead Federal Bank and Trust v. Lainq, 637 So.2d 604 (La. Ct. App. 1994).

AFFIRMED.