

UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 95-30730

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MARINE OFFICE OF AMERICA CORPORATION, ET AL,

Plaintiffs,

versus

VULCAN MV, her engines, tackle, etc., ET AL,

Defendants.

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ASHLAND CEMENT CORPORATION INCORPORATED,

Plaintiff- Appellant Cross-Appellee,

versus

THE MV VULCAN, her engines, tackle apparel,  
furniture, etc. in rem.

Defendant-Appellee

RONDEL SHIPPING LTD.

Defendant-Appellee Cross-Appellant.

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Appeal from the United States District Court  
for the Eastern District of Louisiana  
(92-CV-456)

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October 23, 1996

Before JONES, and WIENER, Circuit Judges, and FERGUSON\*, District Judge.

PER CURIAM:\*\*

The court has considered the parties' appeals in light of the briefs, oral arguments and pertinent portions of the record. Having done so, we find no reversible error of fact or law and so affirm the judgment of the district court. See Fifth Circuit Local Rule 47.6.

Further, the notice of appeal filed by Rondel Shipping Ltd. did not sufficiently identify the M/V VULCAN as a cross-appellant in rem. It is not "otherwise clear from the notice" filed by Rondel that the VULCAN in rem was a party to the appeal. Consequently, pursuant to Fed. R. App. P. 3(c), the notice did not include the vessel's intent to appeal in rem. The VULCAN's appeal is DISMISSED. All Pacific Trading, Inc. v. Vessel M/V Hanjin Yosu, 7 F.3d 1427 (9th Cir. 1993), cert. denied, 510 U.S. 1194 (1994).

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\* District Judge for the Western District of Texas, sitting by designation.

\*\* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.