

UNITED STATES COURT OF APPEALS
For the Fifth Circuit

No. 95-31121
Summary Calendar

ANITA WOODS, Administrator, on behalf of
Edwin Woods, on behalf of Edwin Woods Estate,

Plaintiff-Appellant,

VERSUS

UNITED STATES OF AMERICA,

Defendant-Appellee.

Appeal from the United States District Court
For the Western District of Louisiana
(95-CV-1146-A)

April 5, 1996

Before DAVIS, BARKSDALE, and DeMOSS, Circuit Judges.

PER CURIAM:*

On July 4, 1994, Edwin Woods, the husband of plaintiff, Anita Woods, drowned at Valentine Lake in the Kisatchie National Forest located in Rapides Parish, Louisiana. Plaintiff brought suit against the United States under the Federal Tort Claims Act (FTCA), 28 U.S.C. § 1346, §§ 2671-2680, alleging negligence on the part of the United States in the maintenance of the swimming area at

* Pursuant to Local Rule 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

Valentine Lake. The United States moved to dismiss the complaint under FED. R. CIV. P. 12(b) or, in the alternative, for summary judgment under FED. R. CIV. P. 56, on the grounds that (i) if a private person had been the owner of Valentine Lake, such person would have been released from liability under Louisiana law by the Recreational Use Statute, 9 LA. REV. STAT. ANN. § 2795 (West 1991), and therefore the United States could not be liable under the FTCA; and (ii) the United States was exempted from liability under the discretionary function exception of the FTCA itself. The district court granted the motion to dismiss and plaintiff appealed.

We have carefully reviewed the briefs, the record excerpts and relevant portions of the record itself. For the reasons set forth by the district court in its ruling filed under date of October 6, 1995, we affirm the final judgment entered of even date therewith.

AFFIRMED.