

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-30608

ROBERT McNEAL,

Plaintiff-Appellant,

versus

BAR S FOOD CO.; ET AL.,

Defendants,

AMERICAN MOTORISTS INSURANCE CO.;
BAR S FOODS CO., erroneously named as
Bar S Food Company,

Defendants-Appellees.

Appeal from the United States District Court for the
Western District of Louisiana, Monroe
(95-CV-656)

March 11, 1997

Before GARWOOD, WIENER and DeMOSS, Circuit Judges.*

PER CURIAM:

After considering the briefs and argument of counsel, and the record, this Court concludes that summary judgment was properly entered in favor of defendant Bar S Foods Company. The summary judgment record taken as a whole does not suffice to reasonably

*Pursuant to Local Rule 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

support an affirmative factual finding—as opposed to a mere suspicion, speculation, or conjecture—either that the bologna was actually toxic or that what plaintiff suffered from was actually food poisoning.

AFFIRMED