

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-60195
Summary Calendar

SHIRLEY GULLEY, Individually
and as Surviving Heir of Mark A. Jones, Deceased,
Plaintiff-Appellant,

VERSUS

YOUTHA YOU FOWLER, Estate of; MAYFLOWER TRANSIT INC., doing
business as Aero-Mayflower Transit Company Inc.; JOHN DOE, 1-10,
Defendants-Appellees.

Appeal from the United States District Court
For the Northern District of Mississippi

(1:95-CV-54GR)

October 24, 1996

Before JONES, DEMOSS and PARKER, Circuit Judges:

PER CURIAM:*

Plaintiff-Appellant, Shirley Gulley, appeals from the district court's grant of summary judgment for defendants. We affirm.

Plaintiff's deceased, Mark A. Jones, who was employed as a

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

temporary laborer to assist a truck driver in loading and unloading the truck, died of carbon monoxide poisoning while sleeping in defendant's tractor trailer rig. The district court granted defendant's motion for summary judgment, holding that Gulley's exclusive remedy for Jones's death is under state workers' compensation law, following this Circuit's law set out in *White v. Excaliber Ins. Co.*, 599 F.2d 50 (5th Cir. 1979), *cert. denied*, 444 U.S. 965 (1979). We affirm that decision for essentially the reasons set out in the district court's opinion. *Gulley v. Fowler*, Civil Action No. 1:95cv54GR (S.D.Miss. Feb. 23, 1996).

AFFIRMED.