

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-30184
USDC No. 95-CV-1950
Summary Calendar

STUART H. SMITH, JR.,

Plaintiff-Appellant,

versus

UNITED STATES OF AMERICA,

Defendant-Appellee.

Appeal from the United States District Court
for the Eastern District of Louisiana

September 12, 1997

Before WIENER, BARKSDALE and EMILIO M. GARZA, Circuit Judges.

PER CURIAM:*

Stuart H. Smith, Jr., appeals the district court's dismissal of his claim under the Federal Tort Claims Act for lack of subject matter jurisdiction. Smith also appeals the denial of attorney fees following a partial summary judgment in his favor under the Freedom of Information Act and he argues that the district court should have ordered the United States Coast Guard

*Pursuant to 5th Cir. R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth 5th Cir. R. 47.5.4.

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to produce the "entire file" related to its investigation of a marine accident in which Smith was involved. We have reviewed the record and the briefs of the parties and AFFIRM for essentially the same reasons set forth by the district court. Smith v. United States, No. CA 95-1950 (E.D. La. October 6, 1995; November 14, 1995; and December 4, 1996). Smith's request for discovery and production of documents is DENIED.

AFFIRMED; MOTION FOR DISCOVERY AND PRODUCTION OF DOCUMENTS DENIED.