

UNITED STATES COURT OF APPEALS
For the Fifth Circuit

No. 97-40695

ROSITA S OGLESBY, Individually and as representative
of the Estate of Larry Glenn Oglesby, Deceased,

Plaintiff-Appellant,

VERSUS

AMERICAN BRANDS INCORPORATED; ET AL

Defendants,

BROWN & WILLIAMSON TOBACCO CORP., Individually
and as Successor by Merger to the American Tobacco Company;
PHILLIP MORRIS INCORPORATED; R J REYNOLDS TOBACCO COMPANY,

Defendants-Appellees.

Appeal from the United States District Court
For the Southern District of Texas
(C-97-CV-5)

March 2, 1998

Before REYNALDO G. GARZA, DUHE, and STEWART, Circuit Judges.

PER CURIAM:¹

Having thoroughly reviewed the record, and the briefs of counsel, and having had the benefit of spirited argument by counsel for all parties, we are unable to discern any error committed by the district court. Accordingly, the judgment of the district

¹ 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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

court is

AFFIRMED.