

**UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

No. 98-10545
Summary Calendar

MID-CONTINENT CASUALTY COMPANY,

Plaintiff-Appellee,

versus

BIG M CONSTRUCTION COMPANY, INC., ET AL,

Defendants.

BIG M CONSTRUCTION COMPANY, INC.,

Defendant-Appellant

Appeal from the United States District Court
for the Northern District of Texas
(4:97-CV-3-Y)

November 3, 1998

Before POLITZ, Chief Judge, DAVIS and JONES, Circuit Judges.

PER CURIAM:*

Big M Construction Company, Inc. appeals the district court's grant of summary judgment for Mid-Continent Casualty Company. Having considered the briefs and pertinent parts of the record, primarily on the basis of the facts as detailed, authorities cited, and analysis presented by the district court in its

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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Order Granting Motion for Summary Judgment signed and dated April 8, 1998,
the judgment appealed is AFFIRMED.