

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 98-20452

OCEAN SHIPS, INC.,

Plaintiff-Counter Defendant-Appellee,

VERSUS

AHMAD SHABRAWY,

Defendant-Counter Claimant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
(H-97-CV-200)

November 19, 1999

Before DAVIS, JONES and MAGILL¹ Circuit Judges.

PER CURIAM:**

We affirm the district court's order determining that the plaintiff shipowner fulfilled its obligation to pay maintenance and cure to Shabrawy for the following reasons:

1. The district court did not commit clear error in crediting the testimony of the physicians called by the shipowner and finding that Shabrawy had achieved maximum cure.

2. The district court did not abuse its discretion in denying Shabrawy's untimely motion to amend his suit to seek relief under

¹ Circuit Judge of the Eighth Circuit, sitting by designation.

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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

the Jones Act and the general maritime law.

3. Shabrawy waived his argument that the court had no personal jurisdiction over him. Although he raised the defense in his answer, he did not assert it in the pretrial order or otherwise bring it to the attention of the district court during the course of this litigation. See Continental Bank v. Meyer, 10 F.3d 1293, 1297 (7th Cir. 1993).

4. The district court did not abuse its discretion in refusing to transfer this case to the Southern District of New York.

5. We have considered Shabrawy's remaining arguments and conclude that they have no merit.

AFFIRMED.