

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

---

No. 98-31289  
Conference Calendar

---

PRESTON L. SCARBROUGH,

Plaintiff-Appellant,

versus

G A B ROBINS; DAVID BIENVENU,

Defendants-Appellees.

- - - - -  
Appeal from the United States District Court  
for the Eastern District of Louisiana  
USDC No. 98-CV-2403-I  
- - - - -

June 16, 1999

Before EMILIO M. GARZA, BENAVIDES, and PARKER, Circuit Judges.

PER CURIAM:\*

Reverend Preston L. Scarbrough appeals the dismissal of his Jones Act claim for failure to state a claim upon which relief may be granted. In the district court, Scarbrough filed a "seaman's claim," which alleged fraud, impairment of the obligation of a contract, and assault. On appeal, Scarbrough argues that the district court violated the Fifth and Fourteenth Amendments because he was not given a jury trial and the district court misconstrued his Due Process rights.

---

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Scarborough's claim is time-barred because he filed his Jones Act and general maritime law claim more than three years from the date that his cause of action accrued. See Armstrong v. Trico Marine, Inc., 923 F.2d 55, 58 (5th Cir. 1991). Further, Scarborough's claim relies exclusively on conclusional statements, which are insufficient to prevent a motion to dismiss. See Jefferson v. Lead Indus. Ass'n, Inc., 106 F.3d 1245, 1250 (5th Cir. 1997).

Accordingly, it appears certain that Scarborough cannot prove any set of facts in support of his claim that would entitle him to relief, and the district court's judgment is AFFIRMED. See Doe v. Dallas Indep. School Dist., 153 F.3d 211, 215 (5th Cir. 1998).

AFFIRMED.