

UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No.98-31372

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GARY R. DANOS,

Plaintiff-Appellant,

versus

UNITED STATES OF AMERICA, ET. AL.,

Defendants,

UNITED STATES OF AMERICA,

Defendant-Appellee.

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Appeal from the United States District Court  
for the Eastern District of Louisiana  
Lower Court No. 97-CV-2900-F

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March 3, 2000

Before JONES, DUHÉ, and WIENER, Circuit Judges.

PER CURIAM:\*

The court has carefully considered this appeal in light of the briefs, oral argument, and pertinent portions of the record. While it appears that the district court misspoke concerning the standards of proof in this maritime injury case, the error was harmless. There was insufficient evidence to support a verdict finding causation of appellant's respiratory problems by any toxic exposure to fluorescein dye on board the DIAMOND STATE. Without evidence that appellant was exposed to the dye in a toxic amount,

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\* Pursuant to 5th Cir. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5th Cir. R. 47.5.4.

appellant's case fails. The judgment of the district court is  
AFFIRMED.

**AFFIRMED.**