

UNITED STATES COURT OF APPEALS  
For the Fifth Circuit

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No. 98-41001  
Summary Calendar

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SELENA HILLS,

Plaintiff-Appellant,

VERSUS

WAL-MART STORES, INC., D/B/A SAM'S WHOLESALE CLUB,

Defendant-Appellee.

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Appeal from the United States District Court  
for the Eastern district of Texas

(1:97-CV-129)

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June 22, 1999

Before HIGGINBOTHAM, JONES, and DENNIS, Circuit Judges.

PER CURIAM:\*

The Plaintiff-Appellee, Selena Hills, brought an action against Wal-Mart Stores, Inc. for injuries arising out of a fall that occurred on Wal-Mart's premises. According to the record, Hills entered a "box bin" in order to retrieve a box, and upon exiting she fell and sustained injuries.

The only issue before this court is whether the district court

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\*Pursuant to 5<sup>TH</sup> 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5<sup>TH</sup> CIR. R. 47.5.4.

erred in not allowing Hills' expert to testify because the expert's testimony was not the type of technical or specialized knowledge that would assist the jury, and that the prejudicial effect upon the jury would outweigh the probative value of the expert's testimony.

An appellate court reviews a district court's decision to admit or exclude expert testimony for an abuse of discretion. General Electric Co. v. Joiner, 522 U.S. 136 (1997). After a thorough review of the record and briefs, we find that the district court did not abuse its discretion in excluding the testimony of the expert witness. Therefore, we affirm the decision of the district court.

AFFIRMED.