

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No.98-50448
Summary Calendar

JULIAN CHARLES MITCHELL,

Plaintiff-Appellant,

versus

DELTA AIR LINES,

Defendant-Appellee.

Appeal from the United States District Court
for the Western District of Texas
(A-97-CV-605)

NOVEMBER 12, 1998

Before JOLLY, SMITH, and WIENER, Circuit Judges.

PER CURIAM:*

Plaintiff-Appellant Julian Charles Mitchell appeals from a favorable but disappointing summary judgment of the district court, awarding him \$2,500.00 against Defendant-Appellee Delta Air Lines, Inc., for damage to Mitchell's electric wheelchair which he had he checked with Delta when flying from Atlanta, Georgia to his home in

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Austin, Texas. The amount of the judgment was for the maximum amount under a tariff posted by Delta and is double the amount of the standard limit of liability for loss or destruction of a passenger's personal property.¹

In our de novo review of this summary judgment case, we have carefully considered the entire record on appeal, the essentially uncontested facts of the case, and the legal argument advanced by able counsel in their respective appellate briefs; and we have considered the Order and Judgment filed by the district court on March 23, 1998. Like the district court before us, we are sympathetic with Mitchell's predicament but are firmly convinced that the applicable law affords no relief greater than the \$2,500.00 maximum specified in Delta's duly posted tariff. We base our conclusion on the same reasoning reflected in the district court's careful and complete analysis, and, rather than wasting judicial resources simply to paraphrase the opinion of the district court, we adopt it in toto, incorporate it herein by reference, and attach a copy hereto. For those reasons, the judgment of the district court is, in all respects,
AFFIRMED.

¹ See 14 C.F.R. § 254.4.