

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 99-10321
Summary Calendar

JOSEPH Y. SHORTS,

Plaintiff-Appellant,

versus

UNITED PARCEL SERVICE, INC.,

Defendant-Appellee.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:97-CV-682-R

December 6, 1999

Before KING, Chief Judge, and POLITZ and DENNIS, Circuit Judges.

PER CURIAM:*

Joseph Y. Shorts appeals from an adverse summary judgment dismissing his claims against appellee United Parcel Service, Inc. ("UPS"). Shorts argues that the district court erred in holding that UPS limited its liability to him for the package he shipped through UPS.

In order to prevail on summary judgment, UPS had to show that no genuine issue of material fact existed and that its limitation of liability was sufficiently plain and conspicuous to give reasonable notice of the limitation to Shorts. See Sam L.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Majors Jewelers v. ABX, Inc., 117 F.3d 922, 930 (5th Cir. 1997).

Shorts then had the opportunity to demonstrate that a genuine issue of material fact existed. Fed. R. Civ. P. 56(e). Shorts has not established that there is a genuine issue of material fact. The judgment of the district court is AFFIRMED.