

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 99-10827
Summary Calendar

ROBERT V. DETOUR, a citizen of California, on behalf of himself
and as Co-Administrator of the Claude D. Smith Joint Venture;
CLAUDE D. SMITH, a citizen of California, on behalf of himself
and as Co-Administrator of the Claude D. Smith Joint Venture,

Plaintiffs-Appellants,

versus

LEONARD D. MILLER, Etc.; ET AL.,

Defendants,

CHARLES A. ROBERTS, a citizen of California;
BEL-AIR TRUST, a California business trust,

Defendants-Appellees.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:98-CV-427-A

July 5, 2000

Before JOLLY, JONES, and BENAVIDES, Circuit Judges.

PER CURIAM:*

Robert V. Detour and Claude D. Smith appeal the granting of summary judgment in favor of the defendants-appellees. They aver that the district court erred in disregarding the affidavits offered in support of their opposition to the motion for summary judgment and erred in failing to consider other evidence in the record. Appellants also contend that the district court erred in granting the motion for summary judgment.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

The district court did not err in refusing to consider the affidavit evidence. See Fed. R. Civ. P. 56(e). Nor did the district court err in failing to consider other evidence in the record which was not presented to the court in conjunction with the opposition to the motion for summary judgment. Rule 56 does not impose upon the district court a duty to sift through the record in search of evidence to support a party's opposition to summary judgment, especially if the nonmoving party was well aware of the existence of such evidence. Skotak v. Tenneco Resins, Inc., 953 F.2d 909, 916 n.7 & n.8 (5th Cir. 1992).

We have reviewed the briefs and the record. The district court did not err in granting summary judgment for the defendants-appellees because, as the record stands, there was no genuine issue as to any material fact, and the defendants-appellees were entitled to judgment as a matter of law. Celotex Corp. v. Catrett, 477 U.S. 317, 322 (1986).

AFFIRMED.