

UNITED STATES COURT OF APPEALS
For the Fifth Circuit

No. 99-31349
Summary Calendar

EDDIE RAY BRYAN,

Plaintiff-Appellant,

VERSUS

FMC CORPORATION,

Defendant-Appellee.

Appeal from the United States District Court
For the Western District of Louisiana

(3:98-CV-1805)

June 12, 2000

Before HIGGINBOTHAM, DeMOSS, and STEWART, Circuit Judges.

PER CURIAM:*

Eddie Ray Bryan ("Bryan") sued FMC Corporation ("FMC") in Louisiana state court alleging damages to Bryan's cotton crop resulting from his use of a pesticide manufactured by FMC to control worms in the cotton. FMC removed the case to the federal

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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

district court on grounds of diversity. FMC moved for summary judgment on the ground that Bryan had previously executed a settlement agreement releasing FMC from any damages resulting from the use of its insecticide. The motion for summary judgment was referred to the magistrate judge for report and recommendation. The magistrate judge recommended that FMC's motion for summary judgment should be granted and the district court, after a de novo review, adopted the magistrate judge's report. Final Judgment was entered in favor of FMC and Bryan appeals.

We have carefully reviewed the briefs, the record excerpts, and relevant portions of the record itself. For the reasons stated by the magistrate judge in his report filed August 26, 1999, we AFFIRM the Final Judgment entered by the district court on November 17, 1999.

AFFIRMED.