

December 8, 2003

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 03-40609

In the Matter Of: JEROLDE CLARK PARKS

Debtor,

ORIX CREDIT ALLIANCE INC "EX REL" For Ben B. Floyd Trustee

Appellant,

versus

R & R RENTALS INC; ROBERT N. HERRINGTON

Appellees.

Appeal from the United States District Court
for the Southern District of Texas
(No. M-02-CV-25)

Before GARWOOD, JOLLY, and CLEMENT, Circuit Judges.

PER CURIAM:^{*}

^{*} Pursuant to 5th Cir. R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5th Cir. R. 47.5.4.

Orix Credit Alliance appeals an adverse decision in the district court—which adopted the holdings of the bankruptcy court—arguing that: (1) the bankruptcy court did not have jurisdiction to rule on the contract dispute; and (2) if that court were vested with jurisdiction, it erred in entering a take-nothing judgment. Both contentions are misplaced.

The bankruptcy court clearly had jurisdiction to adjudicate this contract dispute that was “related to” the bankruptcy case. See 28 U.S.C. § 1334(b). We cannot say that the bankruptcy court, after properly exercising jurisdiction, committed clear error in finding that a contract had not been formed and in entering a take-nothing judgment.

For these reasons, the decision of the district court is **AFFIRMED**.