

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

August 22, 2012

No. 12-20112
Summary Calendar

Lyle W. Cayce
Clerk

RICHARD R. RONDENO,

Plaintiff–Appellant

v.

M/V ISLAND OASIS; NYK GLOBAL BULK CORPORATION; TOSHIN
KISEN COMPANY, LIMITED; KEISHIN KAIUN COMPANY LIMITED;
EVER BRIGHT SHIPPING SA; P & O PORTS LOUISIANA
INCORPORATED, (Ports America),

Defendants–Appellees

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:11-CV-4028

Before SMITH, PRADO, and HIGGINSON, Circuit Judges.

PER CURIAM:*

Plaintiff–Appellant Richard Rondeno, proceeding *pro se*, filed suit in the United States District Court for the Southern District of Texas based on injuries he suffered unloading cargo from the M/V ISLAND OASIS while employed as a longshoreman by Defendant–Appellee P&O Ports Louisiana, Inc. The injuries

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

No. 12-20112

he complains of occurred in May 2005. In the instant suit¹ filed in November 2011, he seeks to raise claims under the Longshore and Harbor Workers' Compensation Act ("LHWCA"), 33 U.S.C. § 901 *et seq.*, and the Jones Act, 46 U.S.C. § 30104. The district court dismissed Rondeno's claims because the LHCWA's statute of limitations is one year, 33 U.S.C § 913(a), and the Jones Act's statute of limitations is three years, 46 U.S.C. § 30106. As Rondeno's claims are untimely under either statute, we AFFIRM the district court's dismissal of Rondeno's suit. Additionally, P&O Ports's motion to dismiss for lack of jurisdiction is DENIED and its motion to dismiss is DENIED AS MOOT.

¹ In August 2005, Rondeno filed a claim under the LHWCA with the United States Department of Labor. That claim was eventually referred to an administrative law judge, who in November 2011 allowed Rondeno to withdraw his claim without prejudice. Rondeno also brought suit in the United States District Court for the Eastern District of Louisiana in May 2008. On Rondeno's motion, the district court in that case dismissed those claims without prejudice.