

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 93-3522
Summary Calendar

ANDREW ENLUND,

Plaintiff-Appellant,

versus

BP EXPLORATION & OIL COMPANY,

Defendant-Appellee.

Appeal from the United States District Court
for the Eastern District of Louisiana
(CA 92-397 "E" (3))

(January 4, 1994)

Before POLITZ, Chief Judge, DAVIS and SMITH, Circuit Judges.

POLITZ, Chief Judge:*

Andrew Enlund appeals an adverse summary judgment in favor of British Petroleum Oil Company. For the reasons assigned, we agree that the Longshore and Harbor Workers' Compensation Act bars Enlund's suit and affirm.

*Local Rule 47.5 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that Rule, the Court has determined that this opinion should not be published.

Background

In April of 1991, Enlund accepted employment with Brown & Root Industrial Services, Inc., a company in the business of supplying general labor services. From the time of his employment until the time of his injury Enlund was assigned to work for British Petroleum at its Alliance Refinery in Plaquemines Parish. While performing the general maintenance and repair work for which British Petroleum had hired Brown and Root laborers, Enlund was struck on the head by a lump of coal and suffered injuries. Enlund sued British Petroleum. In granting summary judgment to British Petroleum the district court classified Enlund as a "borrowed employee" and determined that his exclusive remedy was under the LHWCA. Enlund timely appealed.