

July 9, 2007

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS

FOR THE FIFTH CIRCUIT

No. 06-11049
(Summary Calendar)

RICHARD K. ARCHER, M.D., Individually,
and as Trustee of the RICHARD K. ARCHER,
M.D., P.A. PROFIT SHARING PLAN & TRUST,

Plaintiff-Appellant

versus

JOHN SMITHEE,

Defendant-Appellee

Appeal from the United States District Court
for the Northern District of Texas
(2:05-CV-78)

Before SMITH, WIENER, and OWEN, Circuit Judges.

PER CURIAM:*

In this multi-party, multi-issue, highly contentious lawsuit, the instant appeal is a narrow one: The district court granted the summary judgment motion of Defendant-Appellee John Smithee, one of myriad defendants, including his law firm, resulting in a take-nothing judgment which the court certified as final pursuant to

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Federal Rule of Civil Procedure 54(b). It is axiomatic that the lawsuit continues against the remaining defendants.

We have sifted through pertinent portions of the record on appeal and the multitude of claims, charges, accusations, and legal theories set forth in the appellate brief of Plaintiff-Appellant, and we have concluded that the district court correctly granted the summary judgment here at issue. For essentially the same reasons explained by the district court, its judgment in favor of Smithee, pursuant to Rule 54(b), is

AFFIRMED.