

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 00-30496
Summary Calendar

ARLENE D. BYRD and WARREN E. BYRD,

Plaintiffs-Appellants,

versus

THE PRUDENTIAL INSURANCE COMPANY
OF AMERICA and XEROX CORPORATION,

Defendants-Appellees.

Appeal from the United States District Court for
the Middle District of Louisiana
(USDC No. 98-CV-828)

January 19, 2001

Before REAVLEY, JOLLY and JONES, Circuit Judges.

PER CURIAM:*

Arlene and Warren Byrd appeal the denial of certain medical benefits under Xerox Corporation's ERISA plan. The district court's well-reasoned minute entry

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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

docketed on March 23, 2000 explains that the Byrds failed to exhaust the available administrative remedies. We must agree.

Xerox and Prudential Insurance Company have requested this court to award them attorney fees and costs incurred in this appeal. Although the Byrds' contentions are devoid of merit, and we do question their presentation of the plan description without the administrative information section, we decline to make that award.

AFFIRMED.