

**UNITED STATES COURT OF APPEALS
FIFTH CIRCUIT**

No. 01-21004

EMILE MARC CUENOD,

Plaintiff - Appellant,

versus

THE SEALY & SMITH FOUNDATION,

Defendant - Appellee.

Appeal from the United States District Court
For the Southern District of Texas
H-00-CV-3652

November 11, 2002

Before EMILIO M. GARZA, and CLEMENT, Circuit Judges, and HUDSPETH*, District Judge.

PER CURIAM:**

We AFFIRM essentially for the reasons given by the district court.

* District Judge of the Western District of Texas, sitting by designation.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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