

UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 01-60162  
Summary Calendar

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JOSEPH DAVIS,

Plaintiff - Appellant,

VERSUS

NEW YORK LIFE INSURANCE COMPANY; NEW YORK LIFE INSURANCE AND  
ANNUITY CORPORATION; NYLIFE INSURANCE COMPANY OF ARIZONA; AMERICAN  
INCOME LIFE INSURANCE COMPANY; PRUDENTIAL LIFE INSURANCE COMPANY;  
PRUCO; RHONDA STEVENS; KENNETH STAPP,

Defendants - Appellees.

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Appeal from the United States District Court  
for the Southern District of Mississippi, Biloxi

(1:00-CV-172-GR)

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October 16, 2001

Before DeMOSS, PARKER and DENNIS, Circuit Judges

PER CURIAM: \*

Mr. Davis appeals the dismissal of his complaint under FED. R.  
Civ. P. 12(b)(5) and 41(b). Having reviewed the judgments of the  
district court for abuse of discretion, we AFFIRM.

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\*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opinion should not be published and is not precedent except under  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.