

December 8, 2003

Charles R. Fulbruge III
Clerk

Revised January 6, 2004

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

No. 03-30195

In Re: In the Matter of the Complaint of RIVER CITY TOWING SERVICES, INC, As
Owner of the T/B K700, for Exoneration from or Limitation of Liability

RIVER CITY TOWING SERVICES, INC, As Owner of the T/B K700

Petitioner,

SABRILLE ACKLIN, and other third-party plaintiffs as set forth in record document no. 90
Claimants - Third-Party Plaintiffs,

versus

FORMOSA PLASTICS CORP, also known as Formosa Chemical, doing business as
Formosa Chemical

Claimant - Third-Party Defendant - Appellant,

versus

THERESA ELLEN WILLIAMS; CRYSTAL SMITH; GERTRUDE TAYLOR; TYRON
MARTIN, SR; LINDA BARNEY; MICHAEL GREEN; EULA BATISTE; ROSE MARY
BRODEN

Claimants - Appellees.

Appeal from the United States District Court
for the Eastern District of Louisiana
(No. 01-CV-1935-J)

Before GARWOOD, JOLLY, and CLEMENT, Circuit Judges.

PER CURIAM:*

Formasa Plastics Corporation appeals the district court's determination that it did not have admiralty jurisdiction to hear this matter. Because the tort at issue here occurred on land and hence fails the location test, the district court did not err in holding that it did not have admiralty jurisdiction over the claims. *See Jerome B. Grubart, Inc. v. Great Lakes Dredge & Dock, Co.*, 513 U.S. 527, 534 (1995). Furthermore, once the district properly dismissed all of the claims which may have led to original jurisdiction, it did not abuse its discretion in refusing to exercise pendant jurisdiction over the pending state law claims. *See* 28 U.S.C. § 1367(c)(3). The decision of the district court is therefore AFFIRMED.

* Pursuant to 5th Cir. R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5th Cir. R. 47.5.4.