

December 3, 2004

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS

FOR THE FIFTH CIRCUIT

No. 04-30075
Summary Calendar

JUAN ALBARADO,

Plaintiff-Appellant,

versus

UNITED MARINE HOLDINGS, INC.,

Defendant-Appellee.

Appeal from the United States District Court for
the Eastern District of Louisiana
(USDC No. 02-CV-3504-J)

Before REAVLEY, WIENER and BENAVIDES, Circuit Judges.

PER CURIAM:*

The district court did not err in finding that Albarado failed to prove by a preponderance of the evidence that the M/V FAST SKIPPER caused his injuries. There were several factual inconsistencies in Albarado's claims regarding the date of the

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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

accident, his description of the vessel, and his description of the direction and size of the vessel's wake that led the district court to question Albarado's credibility. Further, the district court correctly found that the accident could not have happened the way Albarado claims it happened because the M/V FAST SKIPPER could not have created a six-foot wake in the Bayou Lafourche without running aground. Thus, the district court judgment in favor of United Marine Holdings, Inc. is AFFIRMED.