

September 23, 2004

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 04-40318
Summary Calendar

JANICE STOKER,

Plaintiff-Appellant,

versus

COLUMBIA MAINLAND MEDICAL CENTER/
HCA HEALTHCARE CORPORATION,

Defendant-Appellee.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. G-03-CV-139

Before REAVLEY, WIENER and BENAVIDES, Circuit Judges.

PER CURIAM:*

The judgment of the district court is affirmed for the reasons given by Judge Kent in his order of February 12, 2004. A review of the record and appellant's argument establishes:

1. Defendant's plan was followed by Mainland in the termination of benefits. Because Ms. Stoker's injury occurred at her place of employment and under 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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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.

circumstances on March 15, 2000, the visit to Dr. Nedry was not an emergency.

2. The terms of the separate plan, applying to injuries not covered by the plan the subject of this action, are irrelevant.

3. There is no evidence of conflict of interest, nor public policy infirmity. No second opinion was denied.

AFFIRMED