

May 2, 2007

IN THE UNITED STATES COURT OF APPEALS

FOR THE FIFTH CIRCUIT

Charles R. Fulbruge III  
Clerk

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No. 06-60852  
Summary Calendar

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SCHWARZ K. SCOTT,

Plaintiff-Appellant,

versus

BAE SYSTEMS R O DEFENSE, INC.,

Defendant-Appellee.

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Appeal from the United States District Court  
for the Southern District of Mississippi, Hattiesburg  
USDC No. 2:05-CV-2035

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Before REAVLEY, GARZA and BENAVIDES, Circuit Judges.

PER CURIAM:\*

Assuming appellate jurisdiction, there is no abuse of discretion shown by appellant. There was a scheduled conference known by counsel prior to Hurricane

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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Katrina and no inquiry was made until four months after counsel had reopened her office in January.

AFFIRMED.