

UNITED STATES COURT OF APPEALS  
For the Fifth Circuit

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No. 93-1145  
Summary Calendar

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FRANK W. McINTYRE,

Plaintiff-Intervening Defendant-  
Counter Plaintiff-Appellant,

VERSUS

GEARY & SPENCER, PC,

Intervening Plaintiff-Appellee,

VERSUS

STEVE SLIMAN,

Defendant,

CLEVELAND G. CLINTON, Attorney at Law,  
JOHN PALTER, GEARY, STAHL & SPENCER, PC,  
JOHN SJOVALL and COWLES & THOMPSON, PC,

Counter Defendants-Appellees.

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Appeal from the United States District Court  
for the Northern District of Texas

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(3:92-CV-1517-H)

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(February 10, 1994)

Before GARWOOD, SMITH and DeMOSS, Circuit Judges.

PER CURIAM:\*

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\* Local Rule 47.5 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that Rule, the Court has determined that this opinion

OPINION

We have carefully reviewed the briefs, the reply brief, the record excerpts and pertinent portions of the record itself. For the reasons so cogently set forth by the trial judge in his Memorandum Opinion and Order filed under date of November 5, 1992, we agree that Plaintiff failed to state a cause of action under the RICO Statute, 18 U.S.C. 1961 et seq.; and that the trial judge correctly dismissed the portion of Plaintiff's Petition relating to RICO claims. Likewise, we are satisfied that the trial judge did not abuse the discretion vested in him by 28 U.S.C. 1367(c)(3) when he remanded the remaining state law claims of Plaintiff to the state court from whence they were removed.

AFFIRMED.

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should not be published.