

UNITED STATES COURT OF APPEALS
For the Fifth Circuit

No. 94-40684

TIMOTHY PITTMAN and
SHONDA PITTMAN,

Plaintiffs-Appellants,

versus

DOLGENCORP, INC., d/b/a
Dollar General Store Corp.,

Defendant-Appellee.

Appeal from the United States District Court
For the Western District of Louisiana

(5:93-CV-630)

(May 18, 1995)

Before JOLLY, SMITH and DeMOSS, Circuit Judges.

PER CURIAM:*

Plaintiff-appellant Timothy Pittman filed suit against defendant-appellee Dolgencorp, Inc., d/b/a Dollar General Store, alleging that he was injured when he slipped and fell in

*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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

defendant's store in Bossier City, Louisiana on March 9, 1992. The federal district court to which the suit was removed granted summary judgment in favor of Dolgencorp on May 31, 1994.

We have carefully reviewed the briefs, the record excerpts, and relevant portions of the record, and we are satisfied that the decision of the district court was correct. The plaintiff did not raise a genuine issue of material fact as to whether Dolgencorp was on constructive notice of any hazardous condition that caused plaintiff's fall. See LA. REV. STAT. ANN. § 9:2800.6 (West 1991)(setting out plaintiff's burden of proof under Louisiana law in slip-and-fall actions against merchants); Welch v. Winn-Dixie Louisiana, Inc., 645 So.2d 647, 651-52 (La. App. 1994)(interpreting § 9:2800.6 in case with similar facts and reversing jury verdict for plaintiff due to lack of proof that defendant had constructive notice), writ granted, 646 So.2d 390 (La. 1994).

Accordingly, we AFFIRM the judgment of the district court.