

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

---

No. 95-30547  
Summary Calendar

---

JODY VAUGHN,

Plaintiff-Appellant,

versus

RYAN-WALSH, INC.,

Intervenor-Defendant,

versus

AMERICAN RIVER TRANSPORTATION COMPANY,

Defendant-Appellee.

- - - - -  
Appeal from the United States District Court  
for the Eastern District of Louisiana  
USDC No. 93-CV-816 S  
- - - - -

February 1, 1996

Before KING, SMITH and BENAVIDES, Circuit Judges.

PER CURIAM:\*

Jody Vaughn appeals from the district court's denial of remand and entry of summary judgment in favor of defendant ARTCO in his suit under the Longshore and Harbor Workers' Compensation Act; 33 U.S.C. § 905(b). Vaughn contends that the district court erred in denying remand because the Jones Act claim filed against

---

\* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

Ryan-Walsh was a nonremovable claim; therefore, the court lacked jurisdiction to hear ARTCO's motion for summary judgment. Vaughn contends that the district court erred by granting ARTCO's motion for summary judgment because a genuine issue of material fact existed with regard to ARTCO's compliance with its duty to deliver a safe barge to Ryan-Walsh with respect to its gear, equipment, and workplace.

We have reviewed the briefs and the record and we affirm. The district court did not err by denying remand and granting ARTCO's motion for summary judgment.

AFFIRMED.