

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-31126
Summary Calendar

MAVIS AUDLEMAN,
INDIVIDUALLY AND ON BEHALF OF JOHN AUDLEMAN ESTATE,

Plaintiff - Appellant,

versus

MUTUAL OF OMAHA INSURANCE CO.,

Defendant - Appellee.

Appeal from the United States District Court
for the Western District of Louisiana
(95-CV-256)

May 27, 1996

Before DAVIS, BARKSDALE, and DeMOSS, Circuit Judges.

PER CURIAM:*

Mavis Audleman contests the summary judgment granted Mutual of Omaha Insurance Co. in this action concerning the construction of an insurance contract. The sole issue is whether the policy term "private passenger automobile" encompasses a motorcycle. The district court held that it does not.

We review a summary judgment *de novo*, pursuant to FED. R. CIV. P. 56. It is proper "if ... there is no genuine issue as to any

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

material fact and that the moving party is entitled to a judgment as a matter of law".

Pursuant to Rule 56, and faced solely with ruling on the policy term, a question of law, we **AFFIRM** for essentially the reasons stated by the district court in its thorough memorandum ruling.

AFFIRMED