

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

No. 96-31088
(Summary Calendar)

EDITH W. COPELAND, wife of Thurman Copeland;
THURMAN COPELAND,

Plaintiffs-Appellants,

versus

MARRIOTT INTERNATIONAL INC., formerly known
as Marriott Hotels Inc., ET AL,

Defendants,

and

MARRIOTT INTERNATIONAL INC., formerly known
as Marriott Hotels Inc.

Defendant-Appellee.

Appeal from the United States District Court
for the Eastern District of Louisiana
(95-CV-4028)

May 22, 1997

Before DAVIS, EMILIO M. GARZA, and STEWART, Circuit Judges.

PER CURIAM:*

*Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

Edith W. Copeland tripped and fell in the French Quarter when she attempted to step onto a curb. At the time of her fall, employees of the Marriott Hotel were painting the exterior of the building, and the placement of the painting materials required some pedestrians to step into the street to get around the equipment. Mrs. Copeland was one of these pedestrians. She looked down the street, saw no traffic, made her way into the street and around the equipment, and tripped and fell as she attempted to make it back onto the sidewalk. She suffered injuries, including a broken hip.

Mrs. Copeland sued Marriott for negligence. The case was removed to federal court on the basis of diversity. The district court granted Marriott's motion for summary judgment, holding that although Marriott owed Mrs. Copeland a duty, there was no genuine issue of material fact suggesting that Marriott breached that duty. Mrs. Copeland appeals.

We have reviewed the law, briefs, and the record and conclude that the district court did not err in granting Marriott's motion for summary judgment.

AFFIRMED.