

UNITED STATES COURT OF APPEALS
For the Fifth Circuit

No. 96-50771

UNITED STATES OF AMERICA, for the Use and Benefit of
Consortio ICA-CBI, a Foreign Corporation

Plaintiff-Appellee-Cross-Appellant

VERSUS

U S CAPITAL, a New York Corporation, ET AL

Defendants,

U S CAPITAL, a New York Corporation

Defendant - Appellant-Cross-Appellee

Appeal from the United States District Court
For the Western District of Texas
(EP-91-CV-230)

July 14, 1997

Before WISDOM, DUHÉ, and BARKSDALE, Circuit Judges.

PER CURIAM:*

This matter is a controversy between the subcontractor and the
furnisher of a payment bond under the Miller Act arising out of the
construction of an office complex for the U.S. Embassy in La Paz,
Bolivia. The district court granted judgment in favor of the

*Pursuant to 5TH CIR. R. 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opinion should not be published and is not precedent except under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 5TH CIR. R. 47.5.4.

subcontractor on most of its damage claims and both parties appeal.

The case presents the issues whether the district court erred: in finding that the subcontractor's claims against the bonding company are not prescribed, and in the district court's award of damages to the subcontractor. We have carefully considered the record, the briefs and arguments of counsel, and the district court's painstakingly detailed findings of fact and conclusions of law. We are convinced that the district court correctly applied the appropriate law and that none of its factual findings are clearly erroneous. We, therefore, affirm the judgment of the district court essentially for the reasons given by that court.

AFFIRMED.