

UNITED STATES COURT OF APPEALS
For the Fifth Circuit

No. 97-41358

CAROLYN H MAFRIGE,

Plaintiff-Appellant,

VERSUS

UNITED STATES OF AMERICA; ET AL,

Defendants,

UNITED STATES OF AMERICA,

Defendant-Appellee.

Appeal from the United States District Court
for the Southern District of Texas
(L-91-CV-95)

June 23, 1999

Before HIGGINBOTHAM, BENAVIDES and DENNIS, Circuit Judges.

PER CURIAM:*

Carolyn Mafrige, plaintiff-appellant, appeals from the district court's dismissal of her appeal because it lacked subject matter jurisdiction over her Federal Tort Claims Act (FTCA) claim. See 28 U.S.C. § 2674. The Bureau of Reclamation, an agency of the U.S. Department of the Interior, purchased a tract of land from Mafrige and her mother, who retained a nonparticipating royalty interest in the property. Mafrige argues that the government breached its fiduciary duty by obtaining a 1/8 royalty for a mineral lease when leases on neighboring property were paying as much as a 1/4

*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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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.

royalty. The district court ruled that the discretionary function exception barred Mafrige's FTCA claim because of the 1) discretionary nature of the government's decision in awarding mineral leases of federal lands and 2) public policy concerns underlying the government's management of federal mineral interests.

We have reviewed the record and the parties' briefs and AFFIRM the district court's judgment for essentially the same reasons set forth in its memorandum order dated August 12, 1996.