

UNITED STATES COURT OF APPEALS  
For the Fifth Circuit

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No. 98-30124  
Summary Calendar

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DAVID PATTON, ET AL.

Plaintiffs

BENJAMIN FRANKLIN

Plaintiff-Appellant;

VERSUS

MICHAEL MANNING, SHANAHOWE  
TRANSPORTATION, AND  
CONTINENTAL WESTERN INSURANCE COMPANY,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Eastern District of Louisiana  
(96-CV-533)

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November 27, 1998

Before HIGGINBOTHAM, JONES, and DENNIS, Circuit Judges.

PER CURIAM:\*

Plaintiff-appellant Benjamin Franklin ("Franklin") appeals the district court's judgment following a bench trial that Franklin is not entitled to recover damages from alleged injuries suffered in an automobile accident. The district court found that Franklin was not credible and that his alleged injuries were preexisting and

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

were not aggravated by the traffic accident.

We have reviewed the briefs, the record excerpts and relevant portions of the record and find no error in the decision of the district court. Accordingly, we AFFIRM the Findings and Conclusions entered by the district court on December 23, 1997.

AFFIRMED.