

UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 98-50855  
Summary Calendar

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RUSSELL HICKERSON, Trustee,

Plaintiff-Appellant,

versus

PHILADELPHIA LIFE INSURANCE COMPANY,

Defendant-Appellee.

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Appeal from the United States District Court  
for the Western District of Texas  
(MO-97-CV-192)

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March 25, 1999

Before POLITZ, BARKSDALE, and STEWART, Circuit Judges.

PER CURIAM:\*

Russell Hickerson appeals an adverse summary judgment in this action alleging breach of an insurance contract and several extra-contractual claims.

For the reasons assigned, we affirm.

We review *de novo* the trial court's grant of summary judgment, conducting a plenary review of the record and considering the evidence in the

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\*Pursuant to 5<sup>TH</sup> 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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5<sup>TH</sup> CIR. R. 47.5.4.

light most favorable to the non-movant.<sup>1</sup> If we find no genuine dispute of material fact, we deem summary judgment appropriate.<sup>2</sup>

Our review of the record and briefs discloses no reversible error and, accordingly, on the facts as found, the authorities cited, and analysis made by the district court in its thorough Order on Motion for Summary Judgment signed and filed on July 27, 1998, the judgment appealed is AFFIRMED.

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<sup>1</sup> **International Shortstop, Inc. v. Rally's, Inc.**, 939 F.2d 1257 (5<sup>th</sup> Cir. 1991).

<sup>2</sup> **Anderson v. Liberty Lobby, Inc.**, 477 U.S. 242 (1986).