

UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 99-60499  
Summary Calendar

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DAVID RICHARDSON; ET AL.,

Plaintiffs,

DAVID RICHARDSON, doing  
business as D and B Partnership

Plaintiff-Appellant,

versus

BRUCE BABBIT, Secretary, United States  
Department of the Interior, National  
Park Service,

Defendant-Appellee.

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Appeal from the United States District Court  
for the Northern District of Mississippi  
USDC No. 1:98-CV-25-D-D

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April 4, 2000

Before JONES, SMITH and BENAVIDES, Circuit Judges.

PER CURIAM:\*

David and Barbara Richardson, doing business as D & B Partnership, appeal the dismissal of their complaint which challenged the National Park Service's denial of their request for certification of historic significance of the Hahan-Richardson

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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Building in Columbus, Mississippi. The decision of the National Park Service was not arbitrary, capricious, an abuse of decision, or otherwise not in accordance with the law. 5 U.S.C. § 706(2)(A); Texas Oil and Gas Ass'n v. EPA, 161 F.3d 923, 933 (5th Cir. 1998).

In particular, the appeal decision noted and photos in the record confirm that the building was a gutted shell lacking a roof and all the interior when the Richardsons purchased it. The front facade had lost its original windows. Whether such a structure should be certified raises a question of professional judgment informed by the NPS's expertise, an expertise this court lacks. There is a reasonable basis for the Secretary's decision, and we will not disturb it.

Accordingly, the judgment of the district court is AFFIRMED.