

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

January 8, 2014

Lyle W. Cayce
Clerk

12-20756

GENEVE BUTANE, INCORPORATED,

Plaintiff–Appellant Cross Appellee,

v.

NATIONAL OIL CORPORATION,

Defendant,

v.

BP AMERICA, INCORPORATED,

Garnishee-Appellee Cross Appellant,

EXXON MOBIL CORPORATION; HESS CORPORATION; OCCIDENTAL
PETROLEUM CORPORATION,

Garnishees–Appellees.

Appeals from the United States District Court
for the Southern District of Texas
No. 4:12-CV-2205

Before OWEN, SOUTHWICK, and GRAVES, Circuit Judges.

PER CURIAM:*

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Plaintiff Geneve Butane appeals the district court's denial of its request for additional discovery, the dismissal of its Supplemental Rule B proceeding, and the vacatur of its order of attachment. We review the district court's order vacating the maritime attachment and dismissing the proceeding for an abuse of discretion, though the legal conclusions underlying the order are reviewed de novo.¹ We review the denial of the request for additional discovery for an abuse of discretion.²

The parties are familiar with the facts of this case. After considering the district court's decision, the briefing, and the oral arguments, we conclude that the district court did not abuse its discretion in vacating the attachment and dismissing the proceeding without prejudice. We also conclude that the district court did not abuse its discretion in denying Geneve additional discovery. Accordingly, the judgment of the district court is AFFIRMED.

¹ *Vitol, S.A. v. Primerose Shipping Co.*, 708 F.3d 527, 541 (4th Cir. 2013); *Shipping Corp. of India v. Jaldhi Overseas Pte Ltd.*, 585 F.3d 58, 66 (2d Cir. 2009); cf. *Great Prize, S.A. v. Mariner Shipping Party, Ltd.*, 967 F.2d 157, 160 (5th Cir. 1992).

² *United States ex rel. Taylor-Vick v. Smith*, 513 F.3d 228, 232 (5th Cir. 2008).