

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

---

No. 06-15474  
Non-Argument Calendar

---

FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT APRIL 6, 2007 THOMAS K. KAHN CLERK
--

D.C. Docket No. 05-01892-CV-RWS-1

EDWARD SLOAN,

Plaintiff-Appellant,

versus

FULTON-DEKALB HOSPITAL AUTHORITY,

Defendant-Appellee.

---

Appeal from the United States District Court  
for the Northern District of Georgia

---

**(April 6, 2007)**

Before WILSON, PRYOR, and COX, Circuit Judges.

PER CURIAM:

Edward Sloan sued Fulton-Dekalb Hospital Authority, alleging that he was burned during a surgery at Grady Hospital in Atlanta, Georgia. Jurisdiction was

grounded upon diversity of citizenship. The district court dismissed the action as time-barred.

The parties agree that Georgia law determines whether Plaintiff's lawsuit is barred by the statute of limitations. *See Cambridge Mut. Fire Ins. v. City of Claxton*, 720 F.2d 1230, 1233 (1983). Plaintiff does not dispute that: (1) the complaint was filed on the last day of the Georgia statute of limitations period for a renewal action; and (2) service was not effected within five days thereafter. Therefore, under Georgia law, the action is barred by the statute of limitations unless Plaintiff diligently attempted to perfect service. *Id.* We find no error in the district court's finding that Plaintiff presented insufficient evidence of his diligence in attempting to perfect service on Defendant. (R.1-18 at 13.)

**AFFIRMED.**