

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 12-16507
Non-Argument Calendar

D.C. Docket No. 5:11-cc-00100-LGW-JEG

ANTHONY PEARSON, SR.,
OLIVIA PEARSON,
As parents of Anthony Pearson, Jr.,

Plaintiffs-Appellants,

versus

CSX TRANSPORTATION CO.,

Defendant-Appellee.

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

(January 27, 2015)

Before MARTIN and FAY,* Circuit Judges.

PER CURIAM:

* This opinion is being entered by a quorum pursuant to 28 U.S.C. § 46(d).

The panel vacates the opinion issued in this case on July 11, 2013. We reissue this opinion by a quorum.

This is an appeal from the grant of defendant-appellee's, CSX Transportation Co. (CSXT), motion for summary judgment against plaintiffs-appellants, Anthony Pearson, Sr. and Olivia Pearson, on their wrongful death claim for the death of their son, Anthony Pearson, Jr., at a railroad crossing.

We have independently reviewed the record in this appeal, the briefs, and the arguments of counsel. In a thorough, well-reasoned decision, we find that the district court properly granted summary judgment to CSXT on the Pearsons's claims on the basis of the overwhelming evidence.

There is no evidentiary support that CSXT was negligent in any way, as the district court so found. The district court also correctly determined that the sole proximate cause of the Pearsons's son's tragic death was his own reckless conduct.

Finding no error, we affirm the judgment of the district court.

AFFIRMED.