

FILED

September 13, 2006

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 05-51619

TEXAS MEDICAL ASSOCIATION INSURANCE TRUST,

Plaintiff-Appellant,

versus

UNITED STATES OF AMERICA,

Defendant-Appellee.

Appeal from the United States District Court for
the Western District of Texas

Before JONES, Chief Judge, REAVLEY and PRADO, Circuit Judges.

PER CURIAM:

Taxpayer Texas Medical Association Insurance Trust appeals the district court's summary judgment dismissal of its claim for refund based on the deductibility of premium expenses against proceeds from the sale of stock it received as the result of the demutualization of the Prudential insurance company, pursuant to 26 U.S.C. § 277(a).

For the reasons stated in the district court's opinion, Texas Med. Ass'n Ins. Trust v. United States, 391 F. Supp. 2d 529 (W.D. Tex. 2005), the judgment is affirmed.

AFFIRMED.