

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

United States Court of Appeals
Fifth Circuit

FILED

March 10, 2009

No. 08-40145

Charles R. Fulbruge III
Clerk

CHEVRON U.S.A. INC.,

Plaintiff-Appellee,

versus

RAUL J. GUERRA, JR.; JOSE E. GUERRA; ROBERT L. GUERRA;
SYLVIA GUERRA MECKEL;
BIANCA GUERRA, Formerly Known as Bea Ann Guerra;
GREGORY M. POWERS, as Administrator of the Estate of Raul Tijerina, Jr.;
RAUL TIJERINA, JR., the Estate of; CARLOS ANDRES LOZANO;
RAUL CORONADO LOZANO; ANNA MARIA LOZANO;
JESUS M. CASTELLANO; JOSEFA T. CASTELLANO; SARA C. SALDANA;
JOSEFA C. CAPPADONA; GLORIA C. MOORE;
MARIA LUCILA CASTELLANO;
HERLINDA TOMASITA LOZANO, Also Known as Linda Lozano;
HORTENSIA TIJERINA; DAVID JOSE SANCHEZ,
Independent Executor of the Estate of Maria Alicia T. Sanchez,

Defendants-Appellants,

versus

ARTURO E. GUERRA, JR., Individually and as Trustee for the Gloriana
Guerra Trust; SHERRY WARE BROWN; JEANETTE MARKEL;
FRED E. SEAL; LARRY ELIOT SEAL; JOHN RUSSELL WARE,

Defendants-Appellees,

versus

JOSEPH CASTELLANO; SONIA SANCHEZ PENA;
ENRIQUE SANCHEZ, LOUIS SANCHEZ,

Appellants.

Appeals from the United States District Court
for the Southern District of Texas
No. 7:06-CV-307

Before SMITH, OWEN, and HAYNES, Circuit Judges.

PER CURIAM:*

In this interpleader action, the parties dispute the interpretation of a 1943 oil and gas lease. Before transferring this matter to the Southern District of Texas, the district court for the Western District of Texas decided, *inter alia*, that the lease is a community lease, so the court had jurisdiction, and therefore interpleader was proper, and Chevron U.S.A. Inc. had no additional liability to the royalty owners. After transfer, the district court for the Southern District of Texas granted summary judgment, concluding that the “well bottom location controls payment of excess royalties” under the lease.

We have reviewed the briefs and pertinent portions of the record and have heard the arguments of counsel. We also have consulted applicable sources of law.

Both district courts correctly decided this case. The judgment is **AFFIRMED**, essentially for the reasons given by the district courts.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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