

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

United States Court of Appeals
Fifth Circuit

FILED

June 23, 2010

No. 09-20611

Lyle W. Cayce
Clerk

BARNA CONSHIPPING, S.L.,

Plaintiff - Appellant

v.

COMMERCIAL METALS CO,

Defendant - Appellee

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:09-CV-163

Before JOLLY, SMITH, and OWEN, Circuit Judges.

PER CURIAM:*

After studying the briefs, hearing argument, and reviewing the record, we conclude that the district court correctly decided this case. Specifically, the appellant's complaint fails to allege, first, any facts sufficient to show abandonment, *see Adams v. Unione Mediterranea di Sicurita*, 220 F.3d 659, 671 (5th Cir. 2000); second, it has failed to establish that it is a party to or third-party beneficiary of any maritime contract that would give it a maritime lien, *see*

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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Norfolk S. Ry. Co. v. Kirby, 543 U.S. 14, 31-32 (2004). The judgment of the district court is therefore

AFFIRMED.