

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

United States Court of Appeals
Fifth Circuit

FILED

April 12, 2013

Lyle W. Cayce
Clerk

No. 12-20525

AETNA LIFE INSURANCE COMPANY,

Plaintiff–Appellee,

versus

HUMBLE SURGICAL HOSPITAL, L.L.C.,

Defendant–Appellant.

Appeal from the United States District Court
for the Southern District of Texas
No. 4:12-CV-1206

* * * * *

No. 13-20084

In re: HUMBLE SURGICAL HOSPITAL, L.L.C.

Petition for Writ of Mandamus to
the United States District Court
for the Southern District of Texas
No. 4-12-CV-1206

No. 12-20525

No. 13-20084

Before REAVLEY, JOLLY, and SMITH, Circuit Judges.

PER CURIAM:*

Aetna Life Insurance Company sued Humble Surgical Hospital, L.L.C., for alleged overbilling. The district court denied the hospital's motion for a stay pending arbitration and its motion to compel arbitration. The hospital appeals the denial of arbitration, petitions for writ of mandamus regarding a discovery order, and moves for this court to take judicial notice. This court granted the hospital's motion for stay pending decisions on the appeal and the mandamus petition.

We have reviewed the briefs, the applicable law, and pertinent portions of the record and have heard the arguments of counsel. The hospital has shown no entitlement to relief from this court at this time. Especially in view of the steep standards for overcoming an order denying arbitration and for obtaining mandamus relief, the hospital has shown no abuse of discretion or reversible error.

The order denying the motion to compel arbitration is AFFIRMED. The petition for writ of mandamus is DENIED. The motion for judicial notice is DENIED. The order granting a stay pending a decision on appeal and mandamus is VACATED. These consolidated matters are REMANDED. The mandate shall issue forthwith. We express no view on any merits issue or on how the district court should conduct the remaining proceedings.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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