

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

United States Court of Appeals
Fifth Circuit

FILED

January 8, 2014

Lyle W. Cayce
Clerk

No. 13-30598
Summary Calendar

CLARENCE HILL,

Plaintiff–Appellant,

versus

CHEVRON USA, INCORPORATED; SHELL OIL COMPANY,

Defendants–Appellees.

Appeal from the United States District Court
for the Eastern District of Louisiana
No. 2:11-CV-2786

Before JOLLY, SMITH, and CLEMENT, Circuit Judges.

PER CURIAM:*

Plaintiff describes the instant case as follows:

Clarence Hill filed this suit because while he was employed by

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

No. 13-30598

an oilfield pipe handling facility . . . , he inhaled radioactive dust that generated from the cleaning by mechanical means and the sandblasting of the pipes. The District Court dismissed his claim and granted defendants' summary judgment motion because the court believed there was no genuine issue of material fact since Hill had failed to provide enough evidence to establish his exposure to radiation. The court found that Hill could not establish for certain that [Naturally Occurring Radioactive Material ("NORM")] radiation existed at the . . . pipe yard during his time of employment.

The district court granted summary judgment for the defendants with a careful and thorough Order and Reasons. The court's reasoning can be summarized in the following excerpt:

[I]t is undisputed that new pipe does not have scale, and not all used pipe has scale. Further, not all used pipe with scale contains NORM. In order to prove his exposure, then, Hill must show that he handled a specific category of defendants' pipes, namely, used pipes with scale containing NORM. Hill offers no direct evidence that he was exposed to defendants' pipes with scale containing NORM. Hill's [circumstantial] evidence requires an impermissible chain of speculation to find that he was exposed to radiation in defendants' pipes.

(Footnote and paragraph breaks omitted.)

We have examined the briefs and applicable law and pertinent parts of the record. There is no error, and the summary judgment is AFFIRMED.