

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

United States Court of Appeals
Fifth Circuit

FILED

February 25, 2013

No. 12-50167

Lyle W. Cayce
Clerk

AQUA OPERATIONS, INCORPORATED,

Plaintiff-Appellant

v.

CITY OF KYLE, TEXAS,

Defendant-Appellee

Appeal from the United States District Court
for the Western District of Texas
USDC No. 1:11-CV-952

Before JONES, DENNIS, and HIGGINSON, Circuit Judges.

PER CURIAM:*

Plaintiff-appellant Aqua Operations, Inc., appeals the district court's order granting defendant-appellant City of Kyle's motion to dismiss this action in enforcement of the forum selection clause of the underlying contract between the parties. After reviewing the record and briefs, we affirm for essentially the reasons set forth by the district court in its order dated January 27, 2012.

AFFIRMED.

* Pursuant to Fifth Circuit Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Fifth Circuit Rule 47.5.4.