

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 05-11426
Non-Argument Calendar

D. C. Docket No. 03-00246-CV-4

FILED
U.S. COURT OF
APPEALS
ELEVENTH CIRCUIT
JULY 14, 2005
THOMAS K. KAHN
CLERK

LINDA L. HIOTT,

Plaintiff-Appellant,

versus

WAL-MART STORES, INC.,

Defendant-Appellee.

Appeal from the United States District Court
for the Southern District of Georgia

(July 14, 2005)

Before BIRCH, BARKETT and COX, Circuit Judges.

PER CURIAM:

Plaintiff Linda L. Hiott appeals the judgment of the district court, arguing that the district court erred in granting Defendant Wal-Mart Stores, Inc.'s motion for

summary judgment. We agree with the district court that even if we assume the stacked pictures that injured Plaintiff presented a hazard, there is no evidence that the Defendant had superior knowledge of the hazard. *See Metts v. Wal-Mart Stores, Inc.*, 604 S.E.2d 235, 237 (Ga. Ct. App. 2004); *Foodmax v. Fleming*, 465 S.E.2d 489, 490 (Ga. Ct. App. 1995). The judgment of the district court is, therefore,

AFFIRMED.