

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

\_\_\_\_\_  
No. 07-15413  
Non-Argument Calendar  
\_\_\_\_\_

|   |
|---|
| FILED<br>U.S. COURT OF APPEALS<br>ELEVENTH CIRCUIT<br>MAY 29, 2009<br>THOMAS K. KAHN<br>CLERK |
|---|

D. C. Docket No. 06-01657-CV-2-RDP

CINDY GIBBS,

Plaintiff-Counter  
Defendant-Appellant,

versus

BELLSOUTH TELECOMMUNICATIONS, INC.,

Defendant-Counter  
Claimant-Appellee.

\_\_\_\_\_  
Appeal from the United States District Court  
for the Northern District of Alabama  
\_\_\_\_\_

(May 29, 2009)

Before TJOFLAT, WILSON and PRYOR, Circuit Judges.

PER CURIAM:

This is an ERISA case. Cindy Gibbs claims that the third-party administrator of BellSouth Telecommunications, Inc.'s ERISA plan inappropriately denied her claims for the short term and the long term benefits provided by the plan. The district court disagreed and granted BellSouth summary judgment, on October 19, 2007.<sup>1</sup> Gibbs now appeals.

Gibbs contends that the district court erred in applying the arbitrary and capricious standard of review in concluding that the administrator properly denied her claims for benefits. In her view, the court should have applied the heightened arbitrary and capricious standard. We disagree for the reasons stated in the district court's comprehensive and thoroughgoing memorandum opinion of October 19, 2007, pursuant to which the court granted summary judgment. We find meritless Gibbs's other challenges to the court's judgement, and therefore affirm.

AFFIRMED.

---

<sup>1</sup> The court denied Gibbs's motion to alter or amend judgment on October 29, 2007. We find no error in the court's ruling.