

FILED

JUL 07 2008

Moore v. Young Brothers, Ltd.
No. 06-16884, 06-16885

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

RYMER, Circuit Judge, dissenting:

I read Moore's complaint differently, which leads me to a different result from the majority. I believe the complaint also alleges a failure to deliver Moore's goods in Hilo, as the parties agreed. As the agreement is reflected in a bill of lading for carriage of goods by sea, I would say that maritime jurisdiction exists. 28 U.S.C. § 1333. I agree with the district court's substantive analysis. Accordingly, I would affirm.