

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 00-11367

DEBRA A. BURDEN,

Plaintiff,

DAVID L. SMITH,

Appellant,

versus

BTI EMPLOYEE SCREENING SERVICES, INC.

Defendant-Appellee.

Appeal from the United States District Court
for the Northern District of Texas
(3:98-CV-2073-BF)

September 14, 2001

Before REAVLEY, HIGGINBOTHAM, and PARKER, Circuit Judges.

PER CURIAM:*

We are persuaded that this court lacks jurisdiction in this case and that the prosecution of the appeal is frivolous. The appeal is dismissed for want of jurisdiction. This is a continuation of vexatious litigation. We award appellee an additional \$750 in attorneys fees to be taxed against appellant, David L. Smith, together with all costs.

* Pursuant to 5th Cir. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5th Cir. R. 47.5.4.