

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 00-40593
Summary Calendar

BRENDA BREWER; CLAUDE BREWER,

Plaintiffs-Appellants,

versus

COLLIN COUNTY, TEXAS, in its municipal
capacity; SOCIETY FOR THE PREVENTION OF
CRUELTY TO ANIMALS, North Branch; MCKINNEY
ANIMAL CARE CENTER; WILLIAM E. ROSE;
NANCY HOLLOMAN; ROBERT E. CARTWRIGHT;
LYNN RUWE, DVM; SOCIETY FOR THE PREVENTION
OF CRUELTY TO ANIMALS DALLAS; BOBBY FRENCH;
COLLIN COUNTY SHERIFF'S DEPARTMENT; TERRY
BOX; PAUL RALEEH; GLEN SWANER; CITY OF
LUCAS; DEBRA OWENS; RON STARK, Mrs.; KDFW
FOX NEWS, Channel 4; STEVE STOLER; HARTE
HANKS COMMUNITY NEWSPAPERS; PLANO STAR
COURIER; BOB WYTHE; DARREN BARBEE; ALLEN
AMERICAN; MCKINNEY DAILY COURIER GAZETTE;
JACQUE L. HILBURN; DALLAS MORNING NEWS;
ROY APPLETON; CITY OF MCKINNEY; RICHARD WEAVER;
BARBARA L. MOORE; DOES, 1-100; TOM MALORZO;
PAUL BROWN; TOYA MCEWEN; ROBERT J. DAVIS;
JAMES C. HENDERSON; DAVID E. CHAMBERLAIN;
ROBERT C. WIEGAND; CLARK H. MCCOY; MARK H.
SIMON; ROBERT P. LATHAM; PAUL C. WATLER;
ANTHONY L. LAPORTE; RICHARD A. SAYLES,

Defendants-Appellees.

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 4:99-CV-256

May 16, 2001

Before SMITH, BENAVIDES, and DENNIS, Circuit Judges.

PER CURIAM:*

Numerous of the appellees have filed seven motions to dismiss this appeal for lack of jurisdiction. The orders from which Brenda and Claude Brewer ("the Brewers") seek to appeal are not final or otherwise appealable orders. See Dardar v. Lafourche Realty Co., Inc., 849 F.2d 955, 957 (5th Cir. 1988); Save the Bay, Inc. v. United States Army, 639 F.2d 1100, 1102 (5th Cir. 1981). Rather, they are orders disposing of pretrial matters issued by a magistrate judge, and they are not immediately appealable to this court. See Trufant v. Autocon, Inc., 729 F.2d 308, 309 (5th Cir. 1984). The motions to dismiss for lack of jurisdiction are GRANTED, and the appeal is DISMISSED. This appeal is frivolous. The Brewers' motion for sanctions against the attorneys of record is DENIED.

As part of their motions to dismiss and other pleadings responding to the Brewers' filings, the appellees, in groups, have filed numerous motions for sanctions, costs, and attorney's fees. These motions are DENIED for noncompliance with Fed. R. App. P. 38's requirement that such motions be separately filed. See Fed. R. App. P. 38. However, two groups of appellees have filed separate Rule 38 motions for damages and costs. The first was filed by Collin County, Collin County Sheriff's Department, Sheriff Terry Box, Paul Raleeh, Robert J. Davis, City of Lucas, City of McKinney, Robert E. Cartwright, James C. Henderson, and Clark H.

* 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.

McCoy (collectively referred to as "the Collin County appellees"). The second motion was filed by The McKinney Courier-Gazette, Jacque L. Hilburn, and Anthony Laporte ("the McKinney Courier appellees").

Because the Brewers' jurisdictional arguments are wholly without merit, and the result of this appeal is obvious, the Rule 38 motions are GRANTED, and the Collin County appellees and the McKinney Courier appellees are awarded costs and reasonable attorney's fees incurred on appeal. See Buck v. United States, 967 F.2d 1060, 1062 (5th Cir. 1993); Ruiz v. Medina, 980 F.2d 1037, 1038-39 (5th Cir. 1993). The Brewers are ORDERED to pay the Collin County appellees \$5,375 in attorney's fees and \$438.20 in costs. The case is REMANDED to the district court to determine the amount of reasonable attorney's fees the McKinney Courier appellees have incurred on appeal. The McKinney Courier appellees should submit a bill of costs to the Clerk of this court.

The Brewers are CAUTIONED that any additional frivolous suits or appeals filed by them or on their behalf will invite further sanctions.

APPEAL DISMISSED; SANCTIONS IMPOSED.