

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 00-51285

JEREMY MALISH; MARIA SOLIS, Parent of Erica Solis; JULIA A.
PORFIRIO, Parent of Anne N. Porfirio,

Plaintiffs-Appellees,

versus

AUSTIN INDEPENDENT SCHOOL DISTRICT; PASCAL D. FORGIONE, JR.,
Individually and in his official capacity,

Defendants-Appellants.

Appeal from the United States District Court
for the Western District of Texas
(A-00-CV-701-JN)

April 9, 2001

Before GARWOOD, HALL,¹ and BARKSDALE, Circuit Judges.

PER CURIAM:²

The district court having concluded that the Austin Independent School District's ranking policy at issue violated Texas Education Code Annotated § 51.803(a) (granting automatic admission to state undergraduate institutions to applicants who "graduated with a grade point average in the top 10 percent of the student's high school graduating class"), and our having determined

¹Circuit Judge of the Ninth Circuit, sitting by designation.

²Pursuant 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.

that the district court did not abuse its discretion in reaching that conclusion, the contested preliminary injunction is

AFFIRMED.