

March 15, 2005

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS

FOR THE FIFTH CIRCUIT

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No. 03-20943  
Summary Calendar

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AMADO A. SOTO, ET AL.,

Plaintiffs,

JUAN ENRIQUEZ,

Plaintiff-Appellant,

versus

W. J. ESTELLE, Director, Texas Department of Corrections;  
LESTER H. BEAIRD, Warden, Darrington Unit, Rosharon, TX;  
CHARLES AVERY, JR.; H. H. COFFIELD, Former Chairman  
of the Texas Board of Corrections; JAMES MARVIN WINDHAM,  
Forman Chairman of the Texas Board of Corrections; RAYMOND  
PROCUNIER, Former Chairman of the Texas Department of  
Corrections; O. O. MCCOTTER, Former Director of the Texas  
Department of Corrections; JAMES A. COLLINS, Director, Texas  
Department of Criminal Justice, Institutional Division; ALAN  
MITCHELL, Corrections Officer; JACK B. PURSLEY, Corrections  
Officer; JAMES MICHAEL Wilson, Corrections Officer;  
B. S. HARTNET; S. O. WOODS, Director of the Bureau of  
Classification,

Defendants-Appellees.

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Appeal from the United States District Court for  
the Southern District of Texas  
(USDC No. H-73-CV-900)

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Before REAVLEY, JOLLY and HIGGINBOTHAM, Circuit Judges.

PER CURIAM:\*

The district court's order dismissing the case was conditioned upon the parties reaching a final settlement agreement, and it gave the parties 90 days to move for reinstatement if a settlement agreement was not reached. Thus, the order was not a final, appealable order for the purposes of 28 U.S.C. § 1291. See Otis v. City of Chicago, 29 F.3d 1159, 1167 (7th Cir. 1994); see also Berke v. Bloch, 242 F.3d 131, 135 (3d Cir. 2001). DISMISSED.

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\*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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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.