

October 27, 2006

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 06-40148

KEVIN NIXON; BRANDON ANCELET

Plaintiffs - Appellants

v.

BURYL WHEATLEY; PD GEORGE COMPANY

Defendants - Appellees

Appeal from the United States District Court
for the Eastern District of Texas, Beaumont
No. 1:05-CV-51

Before KING, BENAVIDES, and CLEMENT, Circuit Judges.

PER CURIAM:*

"A party must reserve its right to appeal prejudgment rulings in the offer of judgment, otherwise no appeals from judgment will be allowed." Ramming v. Natural Gas Pipeline Co. of Am., 390 F.3d 366, 370 (5th Cir. 2004) (emphasis in original). Plaintiffs' failure to do so here extinguished their right to appeal, and their subsequent statement purporting to reserve this right could not resurrect it.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

The Motion to Dismiss the Case is GRANTED. Appeal
DISMISSED. Costs shall be borne by plaintiffs.