

May 30, 2007

Charles R. Fulbruge III
Clerk

In the
United States Court of Appeals
for the Fifth Circuit

m 06-40364

JOHN S. CLARK,
INDIVIDUALLY AND AS TRUSTEE OF THE JOHN S. AND LORETTA J. CLARK TRUST,

Plaintiff-Appellant,

VERSUS

DONALD DOUGLAS,
ALSO KNOWN AS DONNIE DOUGLAS;
CHERYL WALKER DOUGLAS;
CADDO CREEK PRODUCTION, INC.,
A TEXAS CORPORATION;
LYLE J. BRANDON; LANA ROBERTS BRANDON,

Defendants-Appellees.

Appeal from the United States District Court
for the Eastern District of Texas
m 4:05-CV-290

Before GARWOOD, SMITH, and DEMOSS,
Circuit Judges.

PER CURIAM:*

* Pursuant to 5TH CIR. R. 47.5, the
court has determined that this opin-
ion should not be published and is
not precedent except under the lim-
(continued...)

The motion to vacate the judgment and to
remand is DENIED. The alternative motion to
remand is GRANTED in part. This matter is
REMANDED for the limited purpose of con-
ferring on the district court the jurisdiction to

(*...continued)
ited circumstances set forth in 5TH
CIR. R. 47.5.4.

grant a rule 60(b) motion if that court wishes to do so. If that court grants the rule 60(b) motion, it may make findings. This court retains jurisdiction in the interim. We express no view on how the district court should rule on the rule 60(b) motion.