

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 93-2481

W. STEVE SMITH,

Plaintiff-Appellee,

JANE BAILEY HAYTON,

Intervenor-Plaintiff-
Appellee,

VERSUS

P. T. EICHELBERGER, JR., M.D., et al.,

Defendants,

P. T. EICHELBERGER, JR., M.D.,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
(CA H 90 616)

(August 4, 1994)

Before REYNALDO G. GARZA, SMITH, and PARKER, Circuit Judges.

PER CURIAM:*

This appeal is frivolous and is DISMISSED pursuant to 5TH CIR.
R. 42.2. Pursuant to FED. R. APP. P. 38, we assess double costs,

* Local Rule 47.5.1 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that rule, the court has determined that this opinion should not be published.

plus \$5,000 attorneys' fees, against appellant and his attorney.
See Coghlan v. Starkey, 852 F.2d 806 (5th Cir. 1988) (per curiam).