

UNITED STATES COURT OF APPEALS
FIFTH CIRCUIT

No. 96-50584

(Summary Calendar)

MARGARITA LIGHTBOURN; BURNS TAYLOR; OLIVIA
SCHONBERGER; GRANT DOWNEY; ANN LEMKE; DISABLED
ABILITY RESOURCE ENVIRONMENT,

Plaintiffs-Appellees,

versus

THE COUNTY OF EL PASO, TEXAS; THE REPUBLICAN
PARTY OF EL PASO COUNTY; THE DEMOCRATIC PARTY
OF EL PASO COUNTY, TEXAS; ANTONIO O. GARZA,
JR., Secretary of State of Texas,

Defendants,

ANTONIO O. GARZA, JR., Secretary of State of
Texas,

Defendant-Appellant.

Appeal from the United States District Court
For the Western District of Texas
(EP-94-CV-299)

September 2, 1997

Before JOLLY, DUHÉ, and EMILIO M. GARZA, Circuit Judges.

PER CURIAM:*

The district court entered final judgment on the merits in *Lightbourn v. The County of El Paso, Texas* in favor of the plaintiffs and against the Secretary of State of Texas. The plaintiffs moved for attorneys' fees and costs. The district court then ordered the Secretary to pay the plaintiffs \$167,602.46. The Secretary filed an appeal of the final judgment on the merits, no. 96-50564, and a separate appeal of the award of attorneys' fees and costs, no. 96-50584.

In no. 96-50564, we reversed and rendered judgment in favor of the Secretary. Accordingly, in this appeal, no. 96-50584, we VACATE the district court's award of attorneys' fees and costs.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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