

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-31070
Conference Calendar

ANNE B. SIBLEY,

Plaintiff-Appellee,

versus

DEBT LOCATORS & LIQUIDATORS, INC.,

Defendant,

DAVID D. SCHULTZ,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Middle District of Louisiana
USDC No. 96-CV-3343
- - - - -

June 17, 1998

Before DAVIS, PARKER, and DENNIS, Circuit Judges.

PER CURIAM:*

David D. Schultz appeals the district court's denial of his motion for attorney's fees and costs pursuant to 15 U.S.C. § 1692k(a)(3). He argues that the district court erred in finding that he had not affirmatively shown that Sibley brought the instant action in bad faith and for the purpose of harassment. We have reviewed the record and the briefs of the

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

parties and find that the district court did not abuse its discretion in denying Schultz's motion because Schultz had not affirmatively shown that Sibley was in bad faith. See *Perry v. Stewart Title Co.*, 756 F.2d 1197, 1211 (5th Cir. 1985), *modified on other grounds*, 761 F.2d 237 (5th Cir. 1985); *Johnson v. Eaton*, 80 F.3d 148, 153 (5th Cir. 1996). If Sibley files any additional suits under FDCPA without an arguable ground that she has suffered damages, the district court should make findings regarding whether Sibley was in bad faith.

AFFIRMED.