

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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Nos. 97-60216 & 97-60719  
Conference Calendar

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NICHOLE NICHOLS; JIMMY D. NICHOLS,

Plaintiffs-Appellants,

versus

FARMERS AND MERCHANTS BANK,

Defendant-Appellee.

\* \* \* \* \*

JIMMIE D. NICHOLS; LINDA F. NICHOLS,

Plaintiffs-Appellants,

versus

FARMERS AND MERCHANTS BANK, ITS BOARD OF  
DIRECTORS, ET AL.,

Defendants-Appellees.

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JIMMIE D. NICHOLS; LINDA F. NICHOLS,

Plaintiffs-Appellants,

versus

FARMERS AND MERCHANTS BANK AND ITS  
BOARD OF DIRECTORS,

Defendant-Appellee.

\* \* \* \* \*

IN THE MATTER OF: JIMMIE D. NICHOLS;  
LINDA F. NICHOLS,

Debtors,

JIMMIE D. NICHOLS; LINDA F. NICHOLS,

Appellants,

versus

FARMERS HOME ADMINISTRATION,

Appellee.

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JIMMIE D. NICHOLS; LINDA F. NICHOLS,

Appellants,

versus

FARMERS AND MERCHANTS BANK,

Appellee.

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Appeals from the United States District Court  
for the Southern District of Mississippi  
USDC Nos. 3:95-CV-252 WS, 253 WS, 332 &  
USDC No. 3:95-CV-167WS, 168 WS, 169WS  
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February 9, 1999

Before BARKSDALE and EMILIO M. GARZA, Circuit Judges.\*

PER CURIAM:\*\*

Because both of these appeals may be determined on the same ground, they are CONSOLIDATED. FED. R. APP. P. 3(b)(2). The Appellants have filed several unauthorized briefs that are STRICKEN. FED. R. APP. P. 28(a), (c), (j); 5TH CIR. R. 28.4. Only the initial appellate briefs and the initial reply briefs are

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\*This matter is being decided by a quorum. 28 U.S.C. § 46(d).

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

properly before us. In these filings, the Appellants purport to challenge the district court's summary judgment in favor of the Appellees (97-60216) and the dismissal of their three bankruptcy cases (97-60719); nevertheless, they have, through their failure to brief adequately any appellate issue, failed to prosecute their appeals. *Yohey v. Collins*, 985 F.2d 222, 225 (5th Cir. 1993); *Grant v. Cuellar*, 59 F.3d 523, 524 (5th Cir. 1995). The appeals are frivolous, and they are DISMISSED. 5TH CIR. R. 42.2. The Appellants' motions are DENIED, as they are moot.

The Appellees' FED. R. APP. P. 38 motion for the imposition of costs is GRANTED. The Appellees are awarded double costs. The matter is REMANDED to the district court for the determination of the amount of attorneys' fees due the defendants for responding to these frivolous appeals and motions.

APPEALS CONSOLIDATED; BRIEFS STRICKEN; APPEALS DISMISSED;  
APPELLANTS' MOTIONS DENIED; APPELLEES' MOTION FOR DOUBLE COSTS  
GRANTED; REMANDED.