

**UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

No. 98-10551

**AJ'S WRECKER SERVICE, INC; VEHICLE REMOVAL CORP.;
ELITE TOWING, INC.; NORTH TEXAS TOWING SERVICE, INC.;**

Plaintiffs-Appellants,

versus

**CITY OF DALLAS TEXAS; MICHAEL MARCOTTE, Director,
Individually and in His Official Capacity;
BEN CLICK, The Chief of Police of the City of Dallas, Individually and
in His Official Capacity,**

Defendants-Appellees.

**AJ'S WRECKER SERVICE, INC; VEHICLE REMOVAL CORP.;
ELITE TOWING, INC.; NORTH TEXAS TOWING SERVICE, INC.;**

Plaintiffs,

versus

**CITY OF DALLAS TEXAS; CATHY TOLER,
Individually and in Her official Capacity;
SAM LINDSAY, Individually and in His Official Capacity,**

Defendants-Appellees.

**Appeal from the United States District Court
for the Northern District of Texas
(3:97-CV-1311-D)**

**November 5, 1999
Before DUHÉ, BARKSDALE, and DENNIS, Circuit Judges:**

PER CURIAM:*

* Pursuant to 5th Cir. Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5th Cir. Rule

Based upon our review of the record and the briefs, we conclude that the district court did *not* abuse its discretion in denying the preliminary injunction at issue. Of course, in so holding, we do *not* express an opinion on the merits of this action, including the underlying statutory issues.

AFFIRMED