

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 98-50023

KATHLEEN POPE,

Plaintiff-Appellant,

VERSUS

SOUTHWELL CORPORATION,

Defendant-Appellee.

Appeal from the United States District Court
for the Western District of Texas
(SA-95-CV-1207)

December 28, 1998

Before DAVIS, SMITH, and WIENER, Circuit Judges.

PER CURIAM:*

Kathleen Pope sued her former employer, Southwell Corporation, alleging she had been terminated in violation of the Age Discrimination in Employment Act. The district court granted Southwell's motion for judgment as a matter of law and awarded attorney's fees to Southwell. Pope appeals only the award of fees.

In her notice of appeal, Pope stated that no transcript of the proceedings was required. We are unable, however, to determine 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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.

merit, or lack of same, in the underlying action without a transcript. We cannot evaluate the propriety of the fee award without knowledge of the case that was presented at trial. The appeal, accordingly, is DISMISSED.