

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 99-50657  
Summary Calendar

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JACOB A. MOORE; DORIS SPEED; BETTY COLE; BUENA COFFEE; GEORGE STRIEGLER; MALCOLM REIMERS; ETZELL SULLIVAN; DOROTHY SULLIVAN; GREGORIO GONZALEZ; MAGGIE LUNA; MAEDEL BEASLEY; GARA COWEN; HOUSTON KENNEDY; PAULINE SHEFFIELD; SYBIL BROWN; ,ELPIDIO BARRERA; MARY LUCILLE LAQUEY; ELLEN VIRGINIA MOORE; ALICE REIMERS; IRENE GONZALEZ; GLENDON COWEN; MARY L. KENNEDY; PRESTON V. BROWN; HORTENCIA G. BARRERA; YVONNA VICK MCCOMB,

Plaintiffs-Appellants,

versus

UPTON COUNTY, TEXAS,

Defendant-Appellee.

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. MO-98-CV-150  
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April 6, 2000

Before DAVIS, EMILIO M. GARZA and DENNIS, Circuit Judges.

PER CURIAM:\*

The plaintiffs, who are all retired employees or elected officials of Upton County, Texas (the County), appeal the summary judgment dismissal of their 42 U.S.C. § 1983 suit alleging that the County violated their due process rights by terminating supplemental medical insurance benefits for County retirees. As the plaintiffs had no vested property right in continuing to

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

receive insurance benefits from the County upon their retirement, we find no violation of their right to due process. Kunin v. Feofanov, 69 F.3d 59, 60 (5th Cir. 1995); see City of Dallas v. Trammell, 101 S.W.2d 1009, 1012-13 (Tex. 1937); Board of Regents of State Colleges v. Roth, 408 U.S. 564, 569-70 (1972). We reject the plaintiffs' implied-contract claims because the County is not bound by private promises made by individual County officials. Jack v. State, 694 S.W. 2d 391, 397 (Tex. App. 1985).

The plaintiffs do not suggest that the district court erred by entering summary judgment on their claims of fraud, equal protection, or a violation of the Age Discrimination in Employment Act; thus, they have abandoned those issues. See Yohey v. Collins, 985 F.2d 222, 223-24 (5th Cir. 1993) (28 U.S.C. § 2254 case); FED. R. APP. P. 28(a)(9)(A).

AFFIRMED.