

UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 01-50187  
Civil Docket #SA-00-CV-509

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VINCE ANDERWALD, doing business as Rockin A Wrecker Svc.;  
PHYLLIS ANDERWALD, doing business as Rockin A Wrecker Svc.;  
CARLOS CHAVARRIA, doing business as Chavarria Towing & Repair,

Plaintiffs-Appellees,

versus

GONZALES COUNTY SHERIFF'S DEPARTMENT, ET AL.;

Defendants,

GONZALES COUNTY SHERIFF'S DEPARTMENT;  
GLEN A. SACHTLEBEN, Sheriff, Gonzales County,

Defendants-Appellants.

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Appeal from the United States District Court  
for the Western District of Texas  
(SA-00-CV-509)

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November 9, 2001

Before JONES and DeMOSS, Circuit Judges and FELDMAN, District  
Judge:\*

PER CURIAM:\*\*

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\* District Judge of the Eastern District of Louisiana,  
sitting by designation.

\*\* 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that this opinion should not be published and is not precedent  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.

The court has carefully considered this appeal in light of the briefs, oral arguments and pertinent portions of the record. Having done so, we find no reversible error of fact or law in the district court's order denying immunity. The statutes cited by Gonzales County are equivalent to the "naked grants of authority" and "enabling statutes by which myriad instruments of local government across the country gain basic corporate powers", that were at issue in Surgical Care Center of Hammond, L.C. v. Hospital Service District No. 1 of Tangipahoa Parish, 171 F.3d 231, 236 (5th Cir. 1999) (en banc). As such, we find the analysis of Surgical Care binding and are unable to conclude that the county is shielded from antitrust immunity by virtue of its statutory authority to contract with wrecker services.

The appeal is **DISMISSED**, and the case is **REMANDED** for further proceedings.