

**F I L E D**

September 3, 2003

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 02-21285

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CHARLES MCFADDEN; DORIS MCFADDEN,  
Estate of,

Plaintiffs-Appellants,

versus

ERIC M. BOST, Etc., ET AL.,

Defendants,

DON A. GILBERT, Commissioner of the Texas  
Health and Human Services Commission;  
JAMES R. HINE, Commissioner,

Defendants-Appellees.

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Appeal from the United States District Court for  
the Southern District of Texas  
(USDC No. H-01-CV-1060)

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Before REAVLEY, JONES and CLEMENT, Circuit Judges.

PER CURIAM:\*

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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

We affirm the judgment for the reasons given by the district court in its order dated August 5, 2002.

AFFIRMED.