

May 30, 2003

Charles R. Fulbruge III  
Clerk

**UNITED STATES COURT OF APPEALS  
For the Fifth Circuit**

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No. 02-51202  
Summary Calendar

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P V PATEL, M D, Individually; P V PATEL MD, A Professional Association; THE HEART CENTER; ECHO LAB INC; ASSOCIATES OF MIDLAND CARDIOVASCULAR AND INTERNAL MEDICINE, also known as Midland Cardiovascul, A Professional Association,

Plaintiffs - Appellants,

VERSUS

MIDLAND MEMORIAL HOSPITAL AND MEDICAL CENTER; MEMORIAL HEART AND VASCULAR INSTITUTE; PERMIAN CARDIOLOGY GROUP; STEPHEN BROWN, M D; MICHAEL MILLER, M D; JAY MENDEZ, M D; DONALD LOVEMAN, M D; HAROLD RUBIN,

Defendants - Appellees.

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Appeals from the United States District Court  
For the Western District of Texas, Midland

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(MO-99-CV-159)

Before BARKSDALE, DeMOSS, and BENAVIDES, Circuit Judges.

PER CURIAM:\*

In July, 2002, another panel of this Court affirmed the district court's grant of summary judgment in favor of the

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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

defendants on all of Dr. Patel's claims and remanded this case back to the district court for a determination of defendants' entitlement to attorneys fees and defense costs under 42 U.S.C.A. §11113 and the Texas Peer Review Statute, TEX. OCC. CODE ANN. §160.008(c). On October 23, 2002, the district court entered its order awarding attorneys fees and costs to the respective defendants in the amounts therein stated; and the Patel Plaintiffs have now appealed that order to this Court.

We have carefully reviewed the briefs, the supplemental brief, the record excerpts, and relevant portions of the record itself. For the reasons stated by the district court in its Order filed on October 23, 2002, we affirm the grant of attorneys fees and costs in the amounts therein stated. We decline the invitation of defendants to remand this case back to the district court again for determination of attorneys fees on this appeal. AFFIRMED.