

UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 95-40731

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CITY OF LONGVIEW, I. J. PATTERSON,  
DAVID McWHORTER, LARRY RISINGER, GAYLON BUTLER,  
MALCOLM PHILLIPS, and DAVID BRABHAM,

Defendants-Appellants,

VERSUS

JAMES W. HUNT and TONY POWELL,

Plaintiffs-Appellees.

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Appeal from the United States District Court  
For the Eastern District of Texas

(6:95-CV-555)

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July 10, 1996

Before HIGGINBOTHAM, WIENER and PARKER, Circuit Judges.

PER CURIAM:\*

James Hunt ("Hunt") and Tony Powell ("Powell"), members of the

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\* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

Longview, Texas City Council, brought suit against the City of Longview and various individuals (referred to collectively in this opinion as "the City") seeking a declaratory judgment that section 2.03(e) of the Longview City Charter is unconstitutional, as well as temporary and permanent injunctive relief barring quo warranto proceedings arising out of their alleged violation of § 2.03(e). The district court, after hearing, denied the City's motion to dismiss and granted Hunt's and Powell's request for a temporary injunction.

On appeal, the City challenges both rulings, contending that the district court should have abstained and dismissed the action and that Hunt and Powell were not entitled to an injunction.

Having considered the briefs and arguments of counsel, we conclude that the challenged rulings should be affirmed for essentially the reasons stated by the district court. *See Hunt v. City of Longview*, 6:95cv555 (E.D.Tx., August 18, 1995).