

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 99-60017

JAMES L. SULLIVAN; DOROTHY B. SULLIVAN,
Petitioners-Appellants,
VERSUS
COMMISSIONER OF INTERNAL REVENUE,
Respondent-Appellee.

Appeal from the United States Tax Court
(3332-96)

November 8, 1999

Before DAVIS, JONES and MAGILL¹, Circuit Judges.

PER CURIAM:**

Our review of the record reveals that the findings of the Tax Court are supported by the evidence and are not clearly erroneous. We also conclude that the Tax Court did not err in applying those facts to the factors the fact finder is required to consider by 26 C.F.R. § 1.183-2(B) in assessing whether an activity is a hobby or a business. Because the Tax Court did not err in concluding that the taxpayers' cutting horse activities were a hobby and not a business, its judgment is

AFFIRMED.

¹ Circuit Judge of the Eighth Circuit, 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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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.