

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

March 18, 2008

No. 07-50387
Summary Calendar

Charles R. Fulbruge III
Clerk

ROBROY INDUSTRIES INCORPORATED,

Plaintiff - Appellant,

v.

JOSEPH SCHWALBACH; CL SYSTEMS CORPORATION,

Defendants - Appellees.

Appeal from the United States District Court
for the Western District of Texas

Before WIENER, GARZA, and BENAVIDES, Circuit Judges.

PER CURIAM:*

IT IS ORDERED that appellant's unopposed motion for limited remand to USDC for the Western District of Texas, Midland-Odessa Division, for the limited purposes to permit the district court to grant Appellant's Rule 60(b)(1) motion is GRANTED.

We REMAND for the limited purpose of permitting the district court to grant the Rule 60(b) relief, vacating the judgment and reopening the record. Once that has been accomplished, the parties can appeal to this court from any

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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final order. See *Karaha Bodas Co., L.L.C. v. Perusahaan Perambangan Minyak Dan Gas Bumi Negara*, No. 02-20042, 2003 WL 21027134, at *5 (5th Cir. March 5, 2003). This remand is WITHOUT PREJUDICE to any issue or argument raised in this appeal.

REMANDED.