

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

No. 18-60274

United States Court of Appeals
Fifth Circuit

FILED

January 21, 2020

Lyle W. Cayce
Clerk

STEPHEN DANIEL MONTALTO,

Petitioner - Appellee

v.

MISSISSIPPI DEPARTMENT OF CORRECTIONS; PELICIA HALL,
COMMISSIONER, MISSISSIPPI DEPARTMENT OF CORRECTIONS,

Respondents - Appellants

Appeal from the United States District Court
for the Southern District of Mississippi

Before DAVIS, HIGGINSON, and WILLETT, Circuit Judges.

STEPHEN A. HIGGINSON, Circuit Judge:

This panel previously remanded this case to the district court with instructions that “it provide a supplemental order setting forth actual findings, if any,” as to professional misconduct by the attorneys in this case. *Montalto v. Miss. Dep’t of Corr.*, 938 F.3d 649, 658 (5th Cir. 2019). On December 9, 2019, the district court granted the parties’ joint motion to approve their proposed “Agreed Order.” In the “Agreed Order,” the district court clarifies that its “previous order contained no formal findings of professional misconduct and imposed no sanctions on the attorneys or parties involved in this case.”

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Because the district court made no “actual finding[s] of professional misconduct,” *United States v. El-Mezain*, 664 F.3d 467, 579 (5th Cir. 2011), the appeal is DISMISSED.