

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 00-60365
Summary Calendar

GARY MOAWAD,

Plaintiff-Appellant,

versus

FRED CHILDS; AARON JAGER;
CARMEN GETTIS CASTILLA;
MACKEY HOPKINS; HUBERT FOSTER;
JIMMY FULCE; ROBERT HUGHES;
MARVEN BROSS; EUGENE MAILEY,

Defendants-Appellees.

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Appeal from the United States District Court
for the Northern District of Mississippi
USDC No. 4:90-CV-172-S-B
- - - - -

April 9, 2001

Before EMILIO M. GARZA, STEWART and PARKER, Circuit Judges.

PER CURIAM:*

Gary Moawad, Mississippi prisoner #31272, appeals from the district court's denial of his "Motion to Enforce and/or Modify Injunctive Relief Entered in an Agreed Order." Moawad argues that the parole board failed to view the comments of the elected officials with appropriate care and caution in violation of the agreed order.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

The movant in a civil contempt proceeding bears the burden of establishing by clear and convincing evidence that: (1) a court order was in effect; (2) the order required certain conduct by the respondent; and (3) the respondent failed to comply with the court's order. Martin v. Trinity Indus., Inc., 959 F.2d 45, 47 (5th Cir. 1992). In the contempt context, "clear and convincing evidence" is that "weight of proof which produces in the mind of the trier of fact a firm belief or conviction as to truth of the allegations sought to be established, evidence so clear, direct, weighty and convincing as to enable fact finder to come to a clear conviction, without hesitancy, of the truth of the precise facts of the case." Travelhost, Inc. v. Blandford, 68 F.3d 958, 961 (5th Cir. 1995) (quotation marks and citations omitted). This court reviews a district court's ruling on a motion for contempt for an abuse of discretion and its underlying factual findings for clear error. Id.

We have reviewed the record and conclude that the district court did not abuse its discretion in denying relief. Accordingly, the judgment of the district court is AFFIRMED.