

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 01-21177
Summary Calendar

ANTHONY DUKE, SR., CAROLYN DUKE, AND MONTE DUKE,
Plaintiffs - Appellants,

VERSUS

INTERNATIONAL PAPER COM., JOHN DILLON, IP FARMS, INC., IPF, INC.,
FARMS OF TEXAS CO., EAGLE GEOPHYSICAL, GLYN KING, AND TRAVIS REESE,
Defendants - Appellees.

Appeal from the United States District Court
For the Southern District of Texas, Houston Division
(H-00-CV-4105)

July 24, 2002

Before DeMOSS, PARKER, and DENNIS, Circuit Judges

PER CURIAM: *

The Appellants herein have litigated this case twice in federal district court, predicated on the Appellees' refusal to renew an annual land lease. In the first instance, the court and

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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

a jury found their claim that the Appellees improperly denied the renewal of an annual farming lease without merit. The jury found for the Appellees, assessing \$157,952.08 in attorney's fees and costs on their behalf. The Appellants then filed a "Plaintiffs' Original Petition and Plaintiffs' Suit to Set-Aside Judgment," in a new action before a different court. Interpreting the new petition to be a motion to set aside the original lawsuit judgment pursuant to FED. R. CIV. P. 60(b)(3), that court transferred the case back to the original district court in the Southern District of Texas. Following the appropriate pleadings and motions, that court denied the Appellants a default judgment and granted summary judgment to the Appellee companies by claim preclusion, on the basis that the Appellants had previously litigated the same claims between the same parties. In this appeal, the Appellants seek to overturn that judgment, citing 16 issues challenging the district court's application of the Federal Rules of Civil Procedure, the appropriateness of the inter-court transfer, and for the first time on appeal, the impartiality of the district judge for her erstwhile association with opposing counsel.

Having considered the Appellant's claims, the briefs by counsel, and the record, the ruling of the district court is hereby AFFIRMED.