

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 02-20044

JOSEPH DELLE ROSE,

Plaintiff-Appellant,

versus

TECHNICAL INDUSTRIES, INC.; GEORGE
SFEIR,

Defendants-Appellees.

Appeal from the United States District Court
for the Southern District of Texas
(H-00-CV-145)

June 20, 2002

Before HIGGINBOTHAM, WIENER, and BARKSDALE, Circuit Judges.

PER CURIAM:*

Plaintiff-Appellant Joseph Rose¹ appeals the district court's \$9,250 award to Defendant-Appellee Technical Industries, Inc. ("Technical")² in response to Technical's "Motion for Reconsideration and for Award of Attorneys' Fees." The court

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

¹ Counsel for Appellant indicates that "Delle" is not his client's middle name and does not know when or how that name seeped interstitially into this case.

² Defendant-Appellant Sfeir was dismissed and is not involved in this appeal.

characterized the award as "as a partial cost shifting (38)," not as sanctions or attorneys' fees. Rose asserts that there is no authority for "cost shifting" applicable to the dismissal of his suit against his former employer, Technical, for defamation and breach of his employment agreement.

We have reviewed carefully the record on appeal and the briefs of the parties, as a result of which we are not inclined to reverse the award in question.

AFFIRMED.