

**FILED**

May 29, 2003

Charles R. Fulbruge III  
Clerk

UNITED STATES COURT OF APPEALS

FOR THE FIFTH CIRCUIT

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02-50711

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STATE OF TEXAS,

Plaintiff-Counter Defendant-Appellee,

versus

YSLETA DEL SUR PUEBLO; TIGUA GAMING AGENCY;  
THE TRIBAL COUNCIL; CARLOS HISA, Tribal Lieutenant  
Governor; FRANCISCO HERNANDEZ, Tribal Gaming  
Commissioner; ALBERT ALVIDREZ, Tribal Governor,

Defendants-Counter Claimants-Appellants,

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Appeal from the United States District Court  
for the Western District of Texas  
(EP-99-CV-320-GTE)

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Before WIENER and BARKSDALE, Circuit Judges, and FURGESON,  
District Judge\*.

PER CURIAM:\*\*

Ysleta Del Sur Pueblo appeals the district court's refusal to modify its 27 September 2001 permanent injunction barring gambling activities on tribal lands. Ysleta Del Sur Pueblo contends the district court erred by not allowing it to participate in

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\* District Judge of the Western District of Texas, sitting by designation.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

charitable bingo, carnival contests, and promotional player pool activities.

The denial of a modification to an injunction is reviewed for abuse of discretion. *E.g.*, ***Rolex Watch USA, Inc. v. Meece***, 158 F.3d 816, 823 (5th Cir. 1998), *cert. denied*, 526 U.S. 1133 (1999). In the light of the parties' oral arguments and briefs, pertinent parts of the record, and the insufficiency of the evidence regarding potential "qualified organization" sponsors of carnival contests, the district court did not abuse its discretion in refusing to modify the injunction.

***AFFIRMED***