

May 5, 2005

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 04-30625  
Summary Calendar

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BRENT ROBINS, KIM ROBINS

Plaintiffs-Counter Defendants-Appellants-  
Cross-Appellees

v.

BRIAN JARREAU, ET AL

Defendants

BRIAN JARREAU, KIM JARREAU

Defendants-Counter Claimants-Appellees-Cross-  
Appellants,

FOREMOST SIGNATURE INSURANCE COMPANY

Defendant-Appellee-Cross-Appellant

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Appeal from the United States District Court  
for the Middle District of Louisiana  
USDC No. 3:02-CV-159-D  
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Before KING, Chief Judge, and JONES and DENNIS, Circuit Judges.

PER CURIAM:\*

This appeal is the latest step in the ongoing feud between Brent and Kim Robins (the "Robinses") and their neighbors, Brian and Kim Jarreau (the "Jarreaus"). The Robinses filed a frivolous

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

civil rights action against the Jarreaus. The district court dismissed the action and awarded the Jarreaus and their insurer, Foremost Signature Insurance Company ("Foremost"), \$2,500 in attorneys' fees as prevailing parties pursuant to 42 U.S.C. § 1988(b). We dismissed the Robinses' appeal as frivolous, imposed sanctions, and remanded for reconsideration of the award of attorneys' fees on the basis that the district court reduced the award based on unsupported assertions of the Robinses' financial condition.

On remand, the district court held an evidentiary hearing and found that the Jarreaus and Foremost had incurred more than \$19,000 in fees. Based on testimony regarding the Robinses' financial condition, the court reduced the amount to \$14,000.

The Robinses now appeal the award. The Jarreaus and Foremost cross-appeal and move for sanctions pursuant to FED. R. APP. P. 38. The Jarreaus also move to strike certain exhibits appended to the Robinses' reply brief.

The Robinses' appeal is frivolous. Their brief primarily consists of the same meritless arguments that this court previously rejected. The Robinses' contention that the award is excessive in light of their inability to pay is unsupported by any argument or analysis and is without merit in light of their own conduct in pursuing a patently frivolous lawsuit.

Accordingly, we DISMISS the Robinses' appeal as frivolous.  
5TH CIR. R. 42.2.

We GRANT the motion of the Jarreaus and Foremost for sanctions and award attorneys' fees and costs to them. FED. R. APP. P. 38.

As the exhibits that are the subject of the motion to strike are irrelevant to the fee award and were not part of the district court record, we do not consider them on appeal. See Topalian v. Ehrman, 954 F.2d 1125, 1131 n.10 (5th Cir. 1992). Accordingly, we DENY the motion to strike the exhibits as moot.

The Jarreaus and Foremost are DIRECTED to file a bill of costs together with an affidavit setting forth expenses and attorneys' fees reasonably incurred by them in connection with this appeal. See FED. R. APP. P. 39; 5TH CIR. Rs. 39 and 47.8.1.

We further warn the Robinses that any further frivolous pleadings, including frivolous petitions for rehearing or rehearing en banc, will subject them to additional sanctions.

The appeal is DISMISSED AS FRIVOLOUS; Appellees' motion for sanctions is GRANTED; Appellees' motion to strike exhibits is DENIED AS MOOT.