

May 9, 2006

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 05-20644
Summary Calendar

THE COCA COLA CO.; NIKE, INC.; TOYOTA MOTOR SALES USA, INC.;
WARNER BROS ENTERTAINMENT, INC.; VIACOM INTERNATIONAL, INC.,

Plaintiffs-Appellees,

versus

NATIONAL BUSINESS FORMS AND PRINTING; ET AL.,

Defendants,

versus

R. PERRY MCCONNELL,

Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:04-CV-3213

Before HIGGINBOTHAM, BENAVIDES, and DENNIS, Circuit Judges.

PER CURIAM:*

R. Perry McConnell, former counsel for National Business Forms and Printing (NBFP), appeals the district court's order requiring him to pay \$11,000 in sanctions following the settlement of this civil litigation.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Although the plaintiffs moved for sanctions under FED. R. CIV. P. 11(b), it is not clear from the record whether the district court imposed sanctions solely on that basis. Further, although the district court determined that McConnell's conduct amounted to a misuse of litigation, the basis for that determination is not clear from the record. We are therefore unable to conduct a meaningful review of the district court's order. See Copeland v. Wasserstein, Perella & Co., Inc., 278 F.3d 472, 484-86 (5th Cir. 2002).

We vacate the district court's order imposing sanctions and remand for an explanation of whatever ruling the district court might make on the sanctions issue on remand. We leave to the sound discretion of the district court the determination of what further proceedings, if any, may be necessary.

VACATED AND REMANDED.