

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 92-1992
Summary Calendar

IN RE: INTERSTATE INDUSTRIES,

Debtor.

BILL MANN, CAROL MANN, and KATHERINE SAVERS MCGOVERN,

Appellants,

VERSUS

SHANNON, GRACEY, RATLIFF & MILLER,

Appellee.

Appeal from the United States District Court
for the Northern District of Texas
(4:90 CV 527 A)

(March 29, 1993)

Before HIGGINBOTHAM, SMITH, and DeMOSS, Circuit Judges.

PER CURIAM:*

This appeal is a "shouting match" regarding sanctions. The appellant challenged the imposition of sanctions by the bankruptcy court for violating Bankr. R. 9011 and Fed. R. Civ. P. 11 by filing an unsubstantiated objection to the appellee's fee application. The district court affirmed the imposition of those

* Local Rule 47.5.1 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that rule, the court has determined that this opinion should not be published.

sanctions.

During the pendency of the appellant's appeal to the district court, the appellee filed a motion to dismiss that appeal on the grounds that the brief was late and in excess pages and that it relied upon matters not in evidence. The district court denied the motion to dismiss but denied appellant's motion to sanction appellee for filing the motion to dismiss.

We review the imposition of sanctions only for abuse of discretion. Essentially for the reasons set forth by the district court in its thorough Memorandum Opinion and Order filed October 14, 1992, we affirm the district court's affirmance of sanctions against the appellant. We also affirm the district court's denial of sanctions against appellee as expressed in its order filed October 13, 1992. We conclude that no abuse of discretion has been shown in either instance.

AFFIRMED.