

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 92-5239
Conference Calendar

TERRANCE R. SPELLMON,

Plaintiff-Appellant,

versus

JAMES A. LYNAUGH ET AL.,

Defendants-Appellees.

- - - - -
Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 9:90-CV-87
- - - - -
(December 14, 1993)

Before GARWOOD, JOLLY, and BARKSDALE, Circuit Judges.

PER CURIAM:*

Terrance Spellmon agreed to dismiss this 42 U.S.C. § 1983 suit as part of a settlement agreement in another civil rights lawsuit, also against the instant defendant, James A. Lynaugh, Director of the Texas Department of Criminal Justice. Although the State honored its part of the agreement, Spellmon did not dismiss this suit.

The enforcement of the settlement agreement by dismissing this suit was within the inherent power of the district court.

* Local Rule 47.5 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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

Seattle-First Nat. Bank v. Manges, 900 F.2d 795, 800 (5th Cir. 1990). This case is not the proper forum for Spellmon to challenge the validity of the settlement. That should be done in the suit in which the settlement was entered and approved. See Stipelcovich v. Sand Dollar Marine, Inc., 805 F.2d 599, 605 (5th Cir. 1986). Spellmon has shown no reason why the Court should allow him to use this lawsuit as a forum to challenge the settlement agreement.

This lawsuit is moot because the adoption of the settlement agreement ended the dispute between Spellmon and the defendants. Matter of Talbott Big Foot, Inc., 924 F.2d 85, 87 (5th Cir. 1991). As there is no longer a justiciable dispute between the parties to this appeal, the Court lacks jurisdiction to entertain the appeal. Id. Accordingly, the appeal is DISMISSED.