IN THE UNITED STATES COURT OF APPEALS

FOR THE FIFTH CIRCUIT

No. 92-5676
(Summary Calendar)

KENNETH KOYM and
TENANTS/OTHERS INJURED,

Plaintiffs-Appellants,

versus

PHILIP A. NEIL, individually
and as an officer of the court
and as legal counsel for
Paragon Group, Inc., Et Al.,

Defendants-Appellees.

Appeal from the United States District Court
for the Western District of Texas
(SA-92-CV-7)

(April 20, 1993)

Before KING, DAVIS, and WIENER, Circuit Judges.

PER CURIAM*:

In this federal civil rights lawsuit, Plaintiff-Appellant Kenneth Hoym, both individually and as attempted class representative, appeals the district court's grant of summary judgment in favor of Defendants-Appellees Philip A. Neal et al.

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

The district court obviously devoted considerable time and effort to confecting its detailed and cogent analysis of this frivolous litigation. That court then concluded its task by 1) granting summary judgment in favor of all defendants, 2) dismissing with prejudice all of Hoym's claims against the various defendants, and 3) assessing a total of $2,400 as sanctions under Fed. R. Civ. P. 11 (and dismissing with prejudice Hoym's state law claims under Rule 11).

After a thorough de novo review of the record and the briefs submitted by the parties, we have determined that "no genuine issue of material fact has been properly raised by [Hoym], and . . . no error of law appears."[1] Satisfied that the district court's detailed and craftsmanlike analysis of the facts and the legal arguments in the instant case,[2] and the explanation therein contained, more than justifies that court's disposition of the claims presented, we conclude that nothing would be gained (other

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[1] Walker v. Sears, Roebuck & Co., 853 F.2d 355, 358 (5th Cir. 1988).

[2] Only one point of clarification is appropriate. The district court relied on Leatherman v. Tarrant County Narcotics Intelligence & Coordination Unit, 954 F.2d 1054, 1058 (5th Cir. 1992), rev'd, 1993 WL 52174 (Mar. 3, 1993), and thus Palmer v. City of San Antonio, 810 F.2d 514, 516 (5th Cir. 1987), for the proposition that Hoym could be held to a heightened pleading requirement concerning his municipal liability claims against Bexar County. Since the district court issued its opinion, however, the heightened pleading requirement for municipal liability has been struck down by the Supreme Court. Leatherman, 1993 WL 52174. As here the heightened pleading requirement ruling was merely alternative))Hoym produced no summary judgment evidence whatsoever to demonstrate municipal liability))the district court's instant holding is unaffected by the Court's reversal of Leatherman.

than the waste of additional judicial resources) by attempting further to explain to Hoym why his claims have no merit. We therefore adopt the findings and holding of the district court as our own.

Additionally, we find that the district court properly awarded sanctions to defendants under Rule 11. Hoym should be aware that when we "determine that an appeal is frivolous, [we] may award just damages and single or double costs to the appellee."[3] Enough is enough. In an effort to convince Hoym that he and the class he purports to represent have no cause of action, however, we caution Hoym that any effort to continue the prosecution of these meritless claims will expose him to the full panoply of sanctions at our disposal.

For the reasons explained above, this appeal is DISMISSED.

[3] FED. R. APP. P. 38.