

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 92-7693

MISSISSIPPI STATE CHAPTER,
OPERATION PUSH, INC., ET AL.,

Plaintiffs-Appellants,
Cross-Appellees,

versus

KIRK FORDICE, Governor of Mississippi,
ET AL.,

Defendants-Appellees,
Cross-Appellants.

Appeal from the United States District Court for the
Northern District of Mississippi
(CA DC84 35 D 0)

(December 7, 1993)

Before POLITZ, Chief Judge, KING and GARWOOD, Circuit Judges.*

PER CURIAM:

We conclude that the district court erred in failing to award plaintiffs-appellants any fees for their response to the state's cross-appeal. Except in this particular, we are unable to conclude

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

that the district court abused its broad discretion in its award of fees, expenses and costs. In an effort to bring this long pending litigation to an end, and because the work in question was performed in this court, we hold that plaintiffs-appellants are entitled to an additional \$14,000 as fees and expenses in resisting the state's prior cross-appeal. Because plaintiffs-appellants have been partially successful in the present appeal we hold they are entitled to \$3,500 for all fees and expenses in connection with the present appeal.

Accordingly, we modify the district court's judgment to increase the total award to plaintiffs-appellants by a total sum of \$17,500, with interest thereon to run on all but \$3,500 thereof from March 4, 1992, and with interest on the \$3,500 to run from date hereof, all at the rate specified by the district court. As so modified the judgment is affirmed. Court costs in this court are taxed against appellees.

AFFIRMED AS MODIFIED