

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 93-1952
Summary Calendar

FLOYD D. ARRINGTON,
Plaintiff-Appellee,

VERSUS

COUNTY OF DALLAS, et al.,
Defendants-Appellants.

* * * * *

TIMOTHY HAMMOND,
Plaintiff-Appellee,

VERSUS

COUNTY OF DALLAS, et al.,
Defendants-Appellants.

Appeals from the United States District Court
for the Northern District of Texas
(3:89-CV-2888-R c/w 2889-R)

(February 23, 1995)

Before SMITH, EMILIO M. GARZA, and PARKER, Circuit Judges.

PER CURIAM:*

* 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 Pursuant to that rule, the court has determined that this opinion should not be published.

In this civil rights action in which the defendants prevailed on the merits, the defendants appeal the district court's denial of attorneys' fees under 42 U.S.C. § 1988. The magistrate judge entered a comprehensive opinion explaining her recommendation, adopted by the district court, to deny fees.

The defendants assert error in that the magistrate judge based her recommendation solely upon the fact that the plaintiffs had survived summary judgment and that therefore there were fact issues. The defendants are in error: The magistrate gave two additional reasons, the more weighty of which was that there were "no decisive facts that indicate that Plaintiffs believed their claims to be groundless or without foundation during discovery and prior to trial."

We review this matter only for abuse of discretion. Under this deferential standard of review, we find no reversible error here. The judgment, accordingly, is AFFIRMED.