

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 94-60392
Conference Calendar

JAMES D. LOGAN, ET AL.,
Plaintiffs,

JAMES D. LOGAN,
Plaintiff-Appellant,

versus

LEE ROY BLACK, ET AL.,
Defendants-Appellees.

MARTIN SCRIVNER, ET AL.,
Plaintiffs,

versus

MISSISSIPPI DEPARTMENT OF CORRECTIONS, ET AL.,
Defendants.

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Appeal from the United States District Court
for the Northern District of Mississippi
USDC No. 4:90-CV-280-B-D cons. w/
4:91-CV-37-B-D

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(January 26, 1995)

Before POLITZ, Chief Judge, and HIGGINBOTHAM and DeMOSS,
Circuit Judges.

PER CURIAM:*

We must examine the basis of our jurisdiction, on our own
motion, if necessary. Mosley v. Cozby, 813 F.2d 659, 660 (5th

* 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that this opinion should not be published.

Cir. 1987). A losing party voluntarily forfeits his appeal by entering into a settlement. U.S. Bancorp Mortgage Co. v. Bonner Mall Partnership, ___ U.S. ___, 115 S. Ct. 386, 391, 130 L. Ed. 2d 233 (1994). The fact that a justiciable controversy existed at the commencement of a lawsuit is irrelevant to appellate jurisdiction if a live controversy ceases to exist by the time of disposition by the appellate court. Deakins v. Monaghan, 484 U.S. 193, 199, 108 S. Ct. 523, 98 L. Ed. 2d 529 (1988). "If a dispute has been settled or resolved, or if it has evanesced because of changed circumstances, including the passage of time, it is considered moot." In re S.L.E., Inc., 674 F.2d 359, 364 (5th Cir. 1982).

While James Logan's appeal was pending, he and counsel for the defendants-appellees settled their judicial controversy by agreeing to resolve their differences informally. Even though the agreement does not ultimately end the conflict between the parties, the judicial controversy has evanesced. The appeal is moot and is dismissed as such.

APPEAL DISMISSED AS MOOT.