

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-10104
Summary Calendar

DIANE LYNN HOPPER, On behalf of herself and all other women similarly situated; WANDA DIANE NASH SMITH, On behalf of herself and all other women similarly situated; BILLA JOAN FRANKLIN, On behalf of herself and all other women similarly situated,

Plaintiffs-Appellants,

versus

COMMISSIONERS COURT, of Dallas County, Texas; JIM BOWLES, Sheriff, Sheriff of Dallas County; DALLAS COUNTY PRE-TRIAL RELEASE SERVICES; TEXAS DEPARTMENT OF CRIMINAL JUSTICE, by and through James Collins, Executive Director; DALLAS COUNTY COMMUNITY SUPERVISORS & CORRECTIONS DEPARTMENT, by and through Ron Goethals, Director; WAYNE SCOTT, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION; JAMES A. COLLINS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION; JAIL STANDARDS COMMISSION; TEXAS BOARD OF CRIMINAL JUSTICE, by and through, Carol Vance, Jerry Hodge, Joshua Allen, Sr., Ellen J. Halbert, Allan Poulumsky, R.H. (Rufus) Duncan, The Honorable Gilberto Jinojosa, Sr., John R. Ward, Thomas Dunning, Board Members; TEXAS BOARD OF PARDONS & PAROLE DIVISION, by and through Jack Kyle, Chairman; TDCJ, PARDON AND PAROLE DIVISION, by and through Melinda Bozarth, Interim Director; TDCJ COMMUNITY JUSTICE ASSISTANCE DIVISION, by and through Dimitria Pope, Director; DALLAS COUNTY TEXAS,

Defendants-Appellees.

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Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:94-CV-54-X
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August 21, 1996

Before DAVIS, WIENER, and BENAVIDES, Circuit Judges.

PER CURIAM:*

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

The appellants appeal the orders of the district court denying a preliminary injunction and class certification. They argue that 1) the district court erred in denying the application for a preliminary injunction as moot, 2) their standing to appeal the denial of class certification should be determined as of the date of filing of their motion for class certification, and 3) their claims are "capable of repetition, yet evading review."

For the reasons given by the district court, we AFFIRM the district court's denial of the application for a preliminary injunction as moot. We do not address the arguments concerning the denial of class certification, and we DISMISS the appeal of that order for lack of jurisdiction. See Carson v. American Brands, Inc., 450 U.S. 79, 84 (1981); Shanks v. City of Dallas, Tex., 752 F.2d 1092, 1095 (5th Cir. 1985). The appellees' motion to dismiss the appeal is DENIED, and the appellants' motion for sanctions is also DENIED.