

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-20086
Summary Calendar

CANDY BRANDLEY, CLARENCE LEE BRANDLEY,
Individually and as next friend of
CASSIE BRANDLEY, RONDALE BRANDLEY, and
ERIC BRANDLEY, minors, and
CLARENCE LEE BRANDLEY, JR.,

Plaintiffs-Appellants,

and

EVELYN STEWART

Plaintiff

versus

JOHN KEESHAN, ET AL.,

Defendants,

and

JOHN WESLEY STYLES,
PEGGY and CHARLES RAY,

Defendants-Appellees.

Appeal from the United States District Court for the
Southern District of Texas
(CA-H-91-3574)

December 6, 1995

Before GARWOOD, JOLLY and PARKER, Circuit Judges.*

PER CURIAM:

As appellees Stevens and Ray point out, the district court's herein appealed dismissal order dated January 26, 1995, states that it is "pursuant to the agreement of Plaintiffs and Defendants Styles, Ray and Stevens" and that the remaining claims against said defendants "are hereby DISMISSED as per agreement of the parties, costs to be borne by the party incurring them." Appellants have not denied or explained this or claimed that these recitals are inaccurate; and, they are supported by the "Certificate of Conference Regarding Defendants' Motion to Reconsider Their Motions to Dismiss Pursuant to Rule 12" signed by appellants. Accordingly, appellants may not challenge the said dismissal of defendants-appellees Charlie Ray, Peggy Stevens, and Wesley Styles. See *Telephonic Services, Inc v. TBS Intern, Inc.*, 975 F.2d 1134, 1137 (5th Cir. 1992) ("A party will not be heard to appeal the propriety of an order to which it agreed").

The January 26, 1995, dismissal is therefore

AFFIRMED.

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.