

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-50946
Summary Calendar

ALEX ALVARADO,

Plaintiff-Appellee,

versus

EL PASO INDEPENDENT SCHOOL DISTRICT, *et al.*,

Defendants-Appellants.

Appeal from the United States District Court
for the Western District of Texas
(EP-91-CV-357)

August 29, 1997

Before WIENER, BARKSDALE, and EMILIO M. GARZA, Circuit Judges.

PER CURIAM:*

Concerning an action under 42 U.S.C. § 1983, for deprivation of a property interest without due process, the summary judgment awarded the defendants was upheld on appeal. Defendants now appeal the district court's denial of their motion for award of attorneys' fees under 42 U.S.C. § 1988.

Defendants contend that the district court erred in finding that the plaintiff established a *prima facie* case under § 1983. The district court's denial of attorneys' fees was not an abuse of

*Pursuant to 5TH CIR. R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

discretion. See *United States v. Mississippi*, 921 F.2d 604, 609
(5th Cir. 1991).

AFFIRMED