

UNITED STATES COURT OF APPEALS  
For the Fifth Circuit

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No. 97-10664  
Summary Calendar

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ASHOK C. DAFTARY,

Plaintiff-Appellant,

VERSUS

METROPOLITAN LIFE INSURANCE COMPANY,

Defendant-Appellee.

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Appeal from the United States District Court  
For the Northern District of Texas

(3:94-CV-1338-D)

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January 12, 1998

Before DUHÉ, DeMOSS, and DENNIS, Circuit Judges.

PER CURIAM:\*

Daftary sued Metropolitan Life Insurance Company in the United States District Court alleging national origin discrimination and retaliation. Following discovery, the parties orally agreed to settle the lawsuit. The parties' agreement to settle was reduced

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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

to writing after negotiation between counsel and consultation with their respective clients. Daftary, however, refused to sign the settlement agreement and Metropolitan Life filed a motion to enforce the settlement agreement. The controversy was referred to the magistrate judge who conducted an evidentiary hearing and found that the terms stated in the final draft of the settlement agreement were the terms upon which plaintiff had authorized his counsel to settle the case. Consequently, the magistrate judge recommended that the motion to enforce the settlement agreement be granted. Following de novo review, the district court concluded that the findings and recommendation of the magistrate were correct and granted the motion to enforce the settlement agreement.

We have carefully reviewed the briefs, the reply brief, the record excerpts and relevant portions of the record itself. For the reasons stated by the district court in its Order entered May 22, 1997, the Judgment entered of even date therewith is

**AFFIRMED.**