

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 98-60660
Summary Calendar

SONS OF CONFEDERATE VETERANS, INC.,

Plaintiff-Appellee,

VERSUS

CONFEDERATE INITIATIVE, INC. and JIMMY D. GILES,

Defendants-Appellants.

Appeal from the United States District Court
for the Southern District of Mississippi
(3:97-CV-534-B)

April 13, 1999

Before DAVIS, DUHÉ and PARKER, Circuit Judges.

PER CURIAM:*

Defendants-Appellants, Confederate Initiative, Inc. and Jimmy D. Giles ("Defendants"), appeal the judgment for Plaintiff-Appellant, Sons of Confederate Veterans, Inc. ("Plaintiff"), the dismissal of their counterclaim against Plaintiff and the \$21,666.61 in attorney fees awarded to Plaintiff. We affirm.

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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Defendants did not file a post-trial motion for judgment or new trial based on insufficiency of the evidence. Further, Defendant did not order a transcript of the trial proceedings. Therefore, Defendants have failed to preserve any factual issue for determination in this appeal.

Having reviewed the briefs, the portions of the record before us and the applicable law, we discern no reversible error. We therefore affirm the dismissal of Defendants' counterclaim, the final judgment for Plaintiff and the attorney fee award.

Because this disposition of the merits moots Plaintiff's motions to strike Defendants' briefs, we deny those motions as moot. Defendants' motion to compel service of appellate documents at their street address is likewise denied as moot.

AFFIRMED. MOTIONS DENIED.