

UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 99-50936

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LANSDALE AUTOMOTIVE, INC.;  
JAY ALAN LANSDALE,

Plaintiffs-Appellants,

versus

WILLIAMSON COUNTY; TEXAS DEPARTMENT OF PUBLIC  
SAFETY; ED RICHARDS, in his official capacity  
and individually; JOHN CHANDLER, in his official  
capacity and individually; MARIO OROZCO, in  
his official capacity and individually; JOHN C.  
DOERFLER, in his official capacity and individually,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Western District of Texas  
(A-99-CV-499-JN)

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June 26, 2000

Before POLITZ, BARKSDALE, and DENNIS, Circuit Judges.

PER CURIAM:\*

Having heard oral argument, and based, in addition, upon our review of the record and the briefs, we conclude that the district court did *not* abuse its discretion in denying the preliminary injunction at issue. Of course, in so holding, we do *not* express an opinion on the merits of this action, including the underlying

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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

statutory issues.

The order denying preliminary injunctive relief, however, also contains a sentence stating that Appellants' application for a permanent injunction is denied as "moot". In the light of the absence of *any* explanation for that statement, or *any* indication in the record that the parties or district court intended that resolution of the merits of the requested permanent injunction be decided at, or based upon, the preliminary injunction hearing, we are convinced that the district court did *not* intend to rule on the merits of such permanent relief. Accordingly, we regard that statement as inadvertent or unintended, having *no* effect on our jurisdiction to review the denial of preliminary injunctive relief. See ***United States v. Bayshore Associates, Inc.***, 934 F.2d 1391, 1395 (6th Cir. 1991) (treating order appealed as preliminary injunction where district court "inartfully" characterized order as permanent injunction).

**AFFIRMED**