

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 93-7392

LIVING CENTERS OF TEXAS, INC.,

Plaintiff-Appellee,

versus

PHILIP A. MENNELLA, ET AL.,

Defendants,

PHILIP A. MENNELLA and
UNITED STATES OF AMERICA,

Defendants-Appellees,

versus

OPAL A. MENNELLA,

Defendant-Appellant.

Appeal from the United States District Court for
the Southern District of Texas
(CA-G-92-249)

(April 18, 1994)

Before REAVLEY and JOLLY, Circuit Judges, and PARKER*, District
Judge.

PER CURIAM:**

* Chief Judge of the Eastern District of Texas, sitting by
designation.

** 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

The district court correctly decided that the Galveston County state court judgment was not conclusive as to the United States, not a party to the suit. Philip Mennella contests the adjudication by that judgment. Collateral attack is permitted only in state court. Liedtke v. State Bar of Texas (5th Cir. slip op. p. 3450, No. 92-2623, April 8, 1994).

The district court's judgment is modified to provide that rental payments to the United States shall cease after a final legal termination of the life estate of Philip Mennella.

AFFIRMED AS MODIFIED.

profession." Pursuant to that Rule, the court has determined that this opinion should not be published.