

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

---

No. 05-16266  
Non-Argument Calendar

---

FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT AUGUST 30, 2006 THOMAS K. KAHN CLERK
--------------------------------------------------------------------------------------------------

D. C. Docket No. 04-20516-CV-AJ

JUDITH HANEY, et al.,

Plaintiffs,

ANN MARTIN,

Plaintiffs-Appellants,

versus

MIAMI-DADE COUNTY, et.al.,

Defendants-Appellees.

---

Appeal from the United States District Court  
for the Southern District of Florida

---

**(August 30, 2006)**

Before TJOFLAT, ANDERSON and BARKETT, Circuit Judges.

PER CURIAM:

Ann Martin, a plaintiff in instant class action suit, appeals from the district

court's denial of her motion, filed after the bar date, to opt out of a class action settlement in the above entitled matter. Martin argues that the district court abused its discretion in determining that she was a member of the class, and in denying her motion to opt out despite the fact that, according to Martin, the defendants would not be prejudiced by the relief if the court permitted her to opt out after the bar date.

Martin has specifically referred to herself as a "class member" in her pleadings in the instant case, and her failure to opt out of the class settlement before the bar date was not a result of any form of excusable neglect. Both Martin and her legal counsel were aware of the relevant bar date and simply failed to execute the necessary procedures to opt out of the class settlement. We conclude that the district court did not abuse its discretion in denying Ms. Martin's untimely motion to opt out of the class settlement. The judgment of the district court is

**AFFIRMED.**