

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

F I L E D

January 27, 2011

No. 10-50061
Summary Calendar

Lyle W. Cayce
Clerk

RAUL MEZA

Plaintiff-Appellee,
v.

JOSE ALISEDA, CHARLES AYCOCK, CONRITH DAVIS, JACKIE
DENOYELLES, LINDA GARCIA, JUANITA GONZALES, RISSI L. OWENS

Defendants-Appellants.

Appeal from the United States District Court for the
Western District of Texas, Austin Division
(1:05-CV-1008)

Before DAVIS, WIENER and SOUTHWICK, Circuit Judges..

PER CURIAM:^{*}

In this appeal, the members of the Texas Board of Pardons and Parole challenge the district court's award of attorneys fees. We are intimately familiar with the trial record in this case and the strenuous defense mounted by the defendants at every turn. The record fully supports the fee arrived at by the district court. We also find no merit to defendants' specific objections.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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The time plaintiff spent litigating against the Texas Department of Criminal Justice, another Texas agency, was caused in substantial part by the defendants' refusal to promptly divulge which entity was the responsible party. Also, the party ultimately liable is the State of Texas, which can allocate the award among state agencies as it sees fit.

We also conclude that all of defendants' claims were closely related to Meza's core claim that he had been tagged by the defendants as a sex offender and required to participate in sex offender therapy without due process.

In sum, we have carefully considered all of appellants' arguments and for the above reasons and those assigned by the district court in its thorough order of December 9, 2009, we conclude that the district court did not abuse its discretion in arriving at its award of fees and costs.

AFFIRMED. All pending motions are DENIED.