

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

United States Court of Appeals  
Fifth Circuit

**FILED**

October 22, 2014

Lyle W. Cayce  
Clerk

\_\_\_\_\_  
No. 12-10978  
\_\_\_\_\_

FRANKIE SIMS, on behalf of himself and all others similarly situated;  
PATSY SIMS, on behalf of herself and all others similarly situated,

Plaintiffs–Appellants,

v.

CARRINGTON MORTGAGE SERVICES, L.L.C.,

Defendant–Appellee.

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 4:12-CV-87  
\_\_\_\_\_

Before OWEN and HAYNES, Circuit Judges, and LEMELLE,\* District Judge.  
PER CURIAM:\*\*

In a prior opinion and order, we affirmed the district court’s judgment in part and certified questions pertaining to the remaining issues in this appeal to the Supreme Court of Texas.<sup>1</sup> The Supreme Court of Texas issued an

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\* District Judge of the Eastern District of Louisiana, sitting by designation.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

<sup>1</sup> *Sims v. Carrington Mortg. Servs., L.L.C.*, 538 F. App’x 537, 546-47 (5th Cir. 2013) (per curiam).

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opinion in May 2014 answering those certified questions, and on October 3, 2014, denied rehearing.<sup>2</sup>

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In view of the Texas court's responses to the certified questions, we **AFFIRM** the judgment of the district court.

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<sup>2</sup> *Sims v. Carrington Mortg. Servs., L.L.C.*, No. 13-0638, 2014 WL 1998397, at \*5 (Tex. Oct. 3, 2014).