

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

No. 17-20680

United States Court of Appeals
Fifth Circuit

FILED

September 5, 2018

Lyle W. Cayce
Clerk

MARK ZASTROW; HEIGHTS AUTOHAUS,

Plaintiffs – Appellees,

v.

HOUSTON AUTO M. IMPORTS GREENWAY, LIMITED, doing business as
Mercedes-Benz of Houston Greenway,

Defendant – Appellant.

Appeals from the United States District Court
for the Southern District of Texas
USDC No. 4:13-CV-574

Before KING, ELROD, and HAYNES, Circuit Judges.

PER CURIAM:*

This is the third appeal in this case and the second appeal on the attorneys' fees award. Zastrow originally brought RICO claims and retaliation claims under 42 U.S.C. §§ 1981 and 1982. *Zastrow v. Hous. Auto Imports Greenway Ltd.*, 789 F.3d 553, 557 (5th Cir. 2015). The district court granted

* Pursuant to Fifth Circuit Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Fifth Circuit Rule 47.5.4.

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summary judgment to Houston Auto M. Imports, Ltd. d/b/a Mercedes–Benz of Houston Greenway, and in the first appeal, we affirmed except as to the summary judgment on the § 1981 claims, which we vacated and remanded. *Id.* In the second appeal, Mercedes Greenway appealed the district court’s award of \$939.29 in damages and \$110,000 in attorneys’ fees on the § 1981 claims. *Zastrow v. Hous. Auto M. Imports Greenway, Ltd.*, 695 F. App’x 774, 777 (5th Cir. 2017). We affirmed the judgment on liability but held that the district court’s attorneys’ fees calculation was inadequate because it failed to consider “Zastrow’s degree of success.” *Id.* at 776, 779. We vacated the award and remanded the case with the instruction that: “we leave it to the district court to determine what impact, if any, Zastrow’s degree of success has on its award of attorneys’ fees.” *Id.* at 779.

On remand, the district court left intact its prior award and added to it the attorneys’ fees expended on the appeal. The district court made findings explaining its award as follows: “The court concludes that the reputation of the attorneys representing the plaintiff is above reproach and, coupled with his experience and skills and the plaintiffs’ degree of success.” While a more robust explanation than the one given would have been preferable and advisable, we nevertheless hold that there is no reversible error here. **AFFIRMED.**