

FILED

United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

TENTH CIRCUIT

January 2, 2013

Elisabeth A. Shumaker
Clerk of Court

ALEX HUAQIANG LEO,

Plaintiff - Appellant,

v.

GARMIN INTERNATIONAL, INC.,

Defendant - Appellee.

No. 12-3213
(D.C. No. 2:09-CV-02139-KHV)
(D. Kan.)

ORDER AND JUDGMENT*

Before **HARTZ**, **MURPHY**, and **EBEL**, Circuit Judges.

In a previous appeal, this court, acting pursuant to Fed. R. App. P. 38, ordered Plaintiff-Appellant Alex Huaqiang Leo to pay Defendant-Appellee Garmin International, Inc. (“Garmin”) reasonable appellate attorney’s fees as a sanction for pursuing a frivolous appeal. Leo v. Garmin Int’l, Inc., 464 F. App’x 744, 745-46 (10th Cir. 2012) (unpublished). This court then remanded the case to the district court to determine “reasonable attorney’s fees.” Id. at 746. On remand, the district court awarded Garmin

*After examining the briefs and appellate record, this panel has determined unanimously that oral argument would not materially assist the determination of this appeal. See Fed. R. App. P. 34(a)(2) and 10th Cir. R. 34.1(G). The case is therefore ordered submitted without oral argument. This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel. It may be cited, however, for its persuasive value consistent with Fed. R. App. P. 32.1 and 10th Cir. R. 32.1.

fees in the amount of \$12,710.90. Leo appeals from that determination.

This court reviews the district court's determination of the amount of attorney's fees to be awarded for an abuse of discretion. Cf. Centennial Archaeology, Inc. v. AECOM, Inc., 688 F.3d 673, 678 (10th Cir. 2012) (reviewing amount of fees imposed as a sanction for discovery misconduct). On appeal, Leo does not argue that the district court abused its discretion in determining the amount of the fee award. And this court's own independent review of the fee award does not reveal any abuse of discretion. Therefore, we AFFIRM the district court's decision to award Garmin \$12,710.90 in attorneys' fees.

ENTERED FOR THE COURT

David M. Ebel
Circuit Judge