

April 17, 2007

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 06-30593  
Conference Calendar

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DEVILLE JOSEPH GORDON,

Plaintiff-Appellee,

versus

DEPUTY STEVEN FONTENOT, Deputy Jailer St. Charles Parish Prison,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Eastern District of Louisiana  
USDC No. 2:04-CV-2992  
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Before HIGGINBOTHAM, BENAVIDES, and PRADO, Circuit Judges.

PER CURIAM:\*

Stephen Fontenot, a St. Charles Parish Sheriff's Deputy, appeals a judgment awarding Deville Joseph Gordon, Louisiana prisoner # 133111, \$3750 in compensatory damages based on a magistrate judge's determination\*\* that Deputy Fontenot used excessive force against Gordon in violation of the Eighth Amendment.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

\*\* The parties agreed to proceed before a magistrate judge pursuant to 28 U.S.C. § 636(c).

Our review of the evidence shows that the finding that Deputy Fontenot used excessive force was not clearly erroneous.

See Baldwin v. Stalder, 137 F.3d 836, 839 (5th Cir. 1998).

Nor was the award of compensatory damages clearly erroneous.

See Sockwell v. Phelps, 20 F.3d 187, 192 (5th Cir. 1994).

AFFIRMED.