

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 00-10423
(Summary Calendar)

PATRICIA JOHNSON,

Plaintiff-Appellant,

versus

JAMES DAVENPORT,

Defendant-Appellee.

Appeal from the United States District Court
for the Northern District of Texas
(3:98-CV-2227-R)

November 20, 2000

Before HIGGINBOTHAM, WIENER, and BARKSDALE, Circuit Judges.

PER CURIAM:*

Plaintiff-Appellant Patricia Johnson appeals from the district court's grant of summary judgment in favor of Defendant-Appellant James Davenport based on qualified immunity. After a de novo review of the record, we affirm.

We first note that Johnson has briefed only her claim for illegal arrest. Therefore we do not address the district court's adverse summary judgment on her claims for malicious prosecution and abuse of process. See Yohey v. Collins, 985 F.2d 222, 224-25 (5th Cir. 1993).

* Pursuant to 5th Cir. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5th Cir. R. 47.5.4.

Johnson argues that her Fourth Amendment right to a reasonable expectation of privacy in her home did not require her to wake her husband so that Davenport could serve a civil citation. She further argues that Davenport lacked probable cause to seek her arrest under Texas Penal Code § 38.16. We find that although Johnson may have alleged a violation of a clearly established constitutional right, a reasonable officer could have believed that the arrest was lawful under the circumstances. See Hunter v. Bryant, 502 U.S. 224, 227 (1991); Anderson v. Creighton, 483 U.S. 635, 640 (1987).

Accordingly, the district court's judgment is
AFFIRMED.