

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 00-60327
Summary Calendar

TRACEY HOLLINS, L.T., a minor by and through Tracey Hollins,
as next friend; ONITA HOLLINS, L.T., a minor by and through
Onita Hollins, as next friends,

Plaintiffs-Appellants,

versus

CITY OF JACKSON, MISSISSIPPI; ET AL.,

Defendants,

CITY OF JACKSON, MISSISSIPPI; WESTWOOD L.P.,

Defendants-Appellees.

Appeal from the United States District Court
for the Southern District of Mississippi
USDC No. 3:98-CV-562-WS

December 19, 2000

Before JOLLY, SMITH, and DUHÉ, Circuit Judges.

PER CURIAM:¹

The plaintiffs-appellants appeal the district court's summary judgment in favor of the City of Jackson and Westwood, L.P. After examination of the records and briefs, we have determined that there was no genuine issue of material fact and that the

¹ 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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.

defendants' motions for summary judgment were properly granted.

The City of Jackson is not liable under 42 U.S.C. § 1983 for the misconduct of its employee, Kerry Collins. See Gros v. City of Grand Prairie, 181 F.3d 613, 615 (5th Cir. 1999). The Mississippi Tort Claims Act shields the City of Jackson from liability for the plaintiffs' state-tort claims. See Miss. Code Ann. § 11-46-5(1)(Supp. 2000). Westwood L.P. did not breach a duty to the plaintiff under Mississippi law dealing with premises liability. See Whitehead v. Food Max of Mississippi, Inc., 163 F.3d 265, 271 (5th Cir. 1998). Nor is Westwood L.P. vicariously liable for Collins's conduct. See Tichenor v. Roman Catholic Church of New Orleans, 32 F.3d 953, 959 (5th Cir. 1994). Finally, Westwood L.P. cannot be held liable under 42 U.S.C. § 1983. See Wong v. Stripling, 881 F.2d 200, 202 (5th Cir. 1989); Williams v. Luna, 909 F.2d 121, 123 (5th Cir. 1990). The district court's grant of summary judgment is AFFIRMED.