

February 18, 2005

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 04-40043  
Summary Calendar

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LEON TASBY,

Plaintiff-Appellant,

versus

JAMES A. LYNAUGH, JAMES S. O'HARE; W. MCCALL; SERGEANT BOOTHE;  
SERGEANT SHARP; SERGEANT STEWARD; OFFICER HEARN;  
OFFICER ANDREW; OFFICER WILSON; LIEUTENANT MAY,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Eastern District of Texas  
USDC No. 9:88-CV-169  
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Before REAVLEY, JOLLY and HIGGINBOTHAM, Circuit Judges.

PER CURIAM:\*

Leon Tasby, Texas prisoner # 362523, appeals the summary-judgment dismissal of his 42 U.S.C. § 1983 complaint in which he alleged that a strip search in the presence of female prison employees violated his right to privacy. As an initial matter, Tasby's motion for leave to file an out-of-time reply brief is GRANTED.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Tasby's claims that the magistrate judge was without authority to enter the judgment of dismissal and that the judgment of dismissal was void because defense counsel was not formally admitted to practice before the district court are without merit. See 28 U.S.C. § 636(c); Carter v. Sea Land Servs., Inc., 816 F.2d 1018, 1021 (5th Cir. 1987).

Tasby has also failed to show that the district court erred in granting summary judgment. Little v. Liquid Air Corp., 37 F.3d 1069, 1075 (5th Cir. 1994)(en banc). This court has held that strip searches carried out in nonsecluded areas of the prison and in the presence of prison employees of the opposite sex are not unconstitutional. Letcher v. Turner, 968 F.2d 508, 510 (5th Cir. 1992); Elliott v. Lynn, 38 F.3d 188, 190-92 (5th Cir. 1994); Oliver v. Scott, 276 F.3d 736, 747 (5th Cir. 2002). The judgment of the district court is AFFIRMED.

MOTION FOR LEAVE GRANTED; AFFIRMED.