

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 94-30344

QUYNH NGUYEN, Administrator of the estate of
his minor child, Quang Nguyen,

Plaintiff-Appellant,
Cross-Appellee,

versus

JEFFERSON PARISH SHERIFF'S DEPARTMENT,
ET AL.,

Defendants-Appellees,
Cross-Appellants.

Appeal from the United States District Court for the
Eastern District of Louisiana
(CA-01-2868-F)

(May 18, 1995)

Before GARWOOD, JOLLY, and BARKSDALE, Circuit Judges.

PER CURIAM:*

The judgment of the district court is AFFIRMED. See Local
Rule 47.6.

A F F I R M E D.

GARWOOD, Circuit Judge, dissenting in part:

*Local Rule 47.5 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that Rule, the court has determined that this opinion should not be published.

I respectfully dissent as I would order a retrial of all matters between plaintiff Nguyen and defendant Deputy Collongues pursuant to *Fugitt v. Jones*, 549 F.2d 1001 (5th Cir. 1977); I join in the affirmance as to defendant Lee.