

IN THE UNITED STATES COURT OF APPEALS

FOR THE FIFTH CIRCUIT

No. 96-10882
Summary Calendar

LARRY BATTARBEE,

Plaintiff-Appellant,

AND

AMERICAN CASUALTY COMPANY OF READING, PENNSYLVANIA

Intervenor Plaintiff

VERSUS

FRANCISCO RIVERA, et al.,

Defendants-Appellees.

Appeal from the United States District Court
for the Northern District of Texas
(3:95-CV-0456-P)

April 14, 1997

Before SMITH, DUHÉ, and BARKSDALE, Circuit Judges.

PER CURIAM:*

Larry Battarbee appeals a summary judgment in his 42 U.S.C. § 1983 action for false arrest and related claims. We have

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

reviewed the record and briefs and conclude that the district court did not err in holding that the defendants had probable cause to stop, search, and arrest Battarbee and that he therefore failed to show constitutional injury. See *United States v. Morris*, 477 F.2d 657, 663 (5th Cir.), cert. denied, 414 U.S. 852 (1973); *Wallace v. Texas Tech Univ.*, 80 F.3d 1042, 1047 (5th Cir. 1996). The district court also did not err on the claim of excessive force. It correctly determined that no reasonable jury could find excessive force from the videotape and other evidence presented on summary judgment.

AFFIRMED.