

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-60210
Summary Calendar

JAMES HARBIN,

Plaintiff-Appellant,

versus

ROSIE WASHINGTON, ET AL.,

Defendants-Appellees.

- - - - -
Appeal from the United States District Court
for the Northern District of Mississippi
USDC No. 3:95CV84-B-A
- - - - -

August 20, 1996

Before SMITH, DUHÉ, and BARKSDALE, Circuit Judges.

PER CURIAM:*

James Harbin appeals the dismissal of his 42 U.S.C. § 1983 civil rights action. He contends that the affidavit of Officer Murphree alone, without substantiation by physical evidence, was insufficient to establish probable cause for the search of his residence. Murphree's affidavit was competent summary judgment evidence and established probable cause for the search, and Harbin's conclusional allegations of fabricated evidence are not

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

sufficient to overcome defendant's summary judgment evidence.

Celotex Corp. v. Catrett, 477 U.S. 317, 322 (1986).

Defendants Rosie Washington, Theresa Files, and the Grenada Police Department were not named in Harbin's amended complaint, which superseded his original complaint, and so they were no longer parties to the civil action and are not parties to this appeal. Boelens v. Redman Homes, Inc., 759 F.2d 504, 508 (5th Cir. 1985).

AFFIRMED.