

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-60061
Summary Calendar

DAN MCGREW, Father and Next Friend
of Kosher McGrew, a minor,

Plaintiff-Appellant,

versus

JOHN F. WHITAKER, in his official and individual
capacity; COPIAH COUNTY, MISSISSIPPI, SHERIFF'S
DEPARTMENT; COPIAH COUNTY, MS,

Defendants-Appellees.

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Appeal from the United States District Court
for the Southern District of Mississippi
USDC No. 3:96-CV-61WS
- - - - -

December 8, 1997

Before JONES, SMITH and STEWART, Circuit Judges.

PER CURIAM:*

The plaintiff appeals the district court's grant of summary judgment in favor of Copiah County, Mississippi, Deputy Sheriff John Whitaker; the Copiah County Sheriff's Department; and Copiah County. We find no error in the district court's consideration of Deputy Whitaker's affidavit explaining his prior deposition testimony. See S.W.S. Erectors, Inc. v. Infax, Inc., 72 F.3d

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

489, 496 (5th Cir. 1996). Plaintiff's false-arrest claims fail because Deputy Whitaker had probable cause to arrest Kosher McGrew. See Fields v. City of South Houston, Tex., 922 F.2d 1183, 1189 (5th Cir. 1991). The district court did not err by entering summary judgment as to the plaintiff's claim of defamation. See Blake v. Gannett Company, Inc., 529 So.2d 595, 602 (Miss. 1986).

AFFIRMED.