

October 20, 2005

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 05-30066
Summary Calendar

SHIRLEY FRANCIS, on behalf of her
minor child, Sherrod Francis,

Plaintiff-Appellant,

versus

C. JAMES CHRISTY, Etc.; ET AL.,

Defendants,

C. JAMES CHRISTY, Individually and As Chief of Police
of the City of Morgan City; GARY PEDERSON, individually
and In His Official Capacity as a Police Officer for the
City of Morgan City; CITY OF MORGAN CITY,

Defendants-Appellees.

Appeal from the United States District Court
for the Western District of Louisiana
(6:03-CV-914)

Before JONES, WIENER, and DeMOSS, Circuit Judges.

PER CURIAM:*

Plaintiff-Appellant Shirley Francis, on behalf of her minor son, Sherrod Francis, appeals from the district court's order granting summary judgment to Defendants-Appellees based on qualified immunity from a § 1983 claim of excessive force. We

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

review the district court's order de novo. Cousin v. Small, 325 F.3d 627, 637 (5th Cir.), cert. denied, 540 U.S. 826 (2003).

Francis argues that Officer Gary Pederson unlawfully detained Sherrod and used excessive force during an encounter at a Wal-Mart store. A review of the record indicates that the district court did not err in determining that Pederson's actions were objectively reasonable under the circumstances as Pederson, who identified himself as an officer, attempted to prevent Sherrod from leaving the store after Sherrod had beaten another boy with a belt. Sherrod was verbally hostile, actively resisted, tried to strike Pederson, and attempted to flee the scene. See Graham v. Connor, 490 U.S. 386, 396-97 (1989); Gutierrez v. City of San Antonio, 139 F.3d 441, 447 (5th Cir. 1998).

Francis has not briefed either the claims raised in the district court against the City of Morgan City and Chief C. James Christy or the state law claims. Accordingly, those claims are deemed abandoned. See Cinel v. Connick, 15 F.3d 1338, 1345 (5th Cir. 1994).

AFFIRMED.