

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 98-10701

RONALD B. MOORE

Plaintiff-Appellant,

versus

ROBERT HARRIS, Sheriff; ET AL

Defendants,

ROBERT HARRIS, Sheriff; ERNESTO GARZA, JR., Deputy;
KAUFMAN COUNTY, TEXAS

Defendants-Appellees.

Appeal from the United States District Court
for the Northern District of Texas, Dallas
(3:97-CV-1418)

April 20, 1999

Before GARWOOD, DAVIS, and BARKSDALE, Circuit Judges.

PER CURIAM:*

Having reviewed the briefs and the record, and concluding that the defendant deputy had qualified immunity because there was no violation of clearly established law (*see Taylor v. Gregg*, 36 F.3d 453 (5th Cir. 1994), and *Hand v. Gary*, 838 F.2d 1420 (5th Cir. 1988), which, although in tension with *Malley v. Briggs*, 475 U.S. 335 (1986), concerning the effect to be given a search warrant for claims against officers initiating an arrest, reflect no violation of clearly established law); and concluding further that there is no material fact issues as to the other claims under federal law, and that judgment as a matter of law on those claims was proper

*Pursuant to 5th Cir. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

against the plaintiff, the judgment is

AFFIRMED.