

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 99-30280
Conference Calendar

WALTER L. COLLINS,

Plaintiff-Appellant,

versus

HARRY LEE, Sheriff of
Jefferson Parish,

Defendant-Appellee.

Appeal from the United States District Court
for the Eastern District of Louisiana
USDC No. 97-CV-137-T

December 14, 1999

Before JOLLY, HIGGINBOTHAM, and BARKSDALE, Circuit Judges.

PER CURIAM:*

Walter Collins appeals from the district court's summary judgment. Appellant contends that the district court erred in determining that appellee was entitled to the defense of qualified immunity and granting summary judgment on that basis.

The district court did not so err. Although Collins alleged the violation of a clearly established constitutional right, see Williams v. Treen, 671 F.2d 892, 902 (5th Cir. 1982), he did not counter the affidavit filed by the defendant in support of

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

summary judgment that explained the racial housing policies and statistics at the time of plaintiff's incarceration. This affidavit shows that there was no policy of or de facto unconstitutional racial segregation. The defendant was therefore entitled to summary judgment.

Appellant also contends that the district court erred by denying his motion to compel. The district court did not abuse its discretion in denying the motion. Any benefit that could have been gleaned from the desired documents was outweighed by the burden attached to the production. Because the district court did not err in granting the Appellee's motion for summary judgment or denying the Appellant's motion to compel, this case is AFFIRMED.