

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 00-20848
Summary Calendar

GERALD T. ARMSTRONG,

Plaintiff-Appellant,

versus

J. W. ZAHN; RONNIE LOPEZ; DENNIS
GONDY; LISA JOHNSON; GARY JOHNSON;
PAT GONZALES; T. M. BOUDREAU; P. D.
ROSALES; D. AUTRY, Sergeant; E. A.
CALHOUN; L. LEMOINE, Sergeant,

Defendants,

J. W. ZAHN; RONNIE LOPEZ; DENNIS GONDY;
LISA JOHNSON; PAT GONZALES; T. M.
BOUDREAU; P. D. ROSALES; D. AUTRY,
Sergeant; E. A. CALHOUN; L. LEMOINE,
Sergeant,

Defendants-Appellees.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. H-97-CV-2163

April 27, 2001

Before EMILIO M. GARZA, STEWART and PARKER, Circuit Judges.

PER CURIAM:*

Gerald Thomas Armstrong (#768439), a state prisoner, appeals the summary-judgment dismissal of his complaint filed pursuant to 42 U.S.C. § 1983, alleging that his right to liberty under the

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Fourth Amendment was violated in connection with his arrest and subsequent parole revocation. Armstrong contends that there are genuine issues of material fact concerning whether his warrantless stop and arrest were constitutional, in view of the fact that the arresting officers did not have a parole-violator warrant.

The district court did not err in granting summary judgment and dismissing Armstrong's claims for failing to establish a constitutional violation cognizable under 42 U.S.C. § 1983. See Leffall v. Dallas Indep. Sch. Dist., 28 F.3d 521, 525 (5th Cir. 1994). The officers' warrantless stop of Armstrong and investigation culminating in his arrest were justifiable under Terry v. Ohio, 392 U.S. 1, 19-21 (1968), because the officers had a reasonable and articulable suspicion that Armstrong had committed a crime, regardless whether Armstrong also held the status of a parole violator, and there has been no showing that the scope of the Terry stop was unreasonable.

AFFIRMED.