

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 01-30343  
Summary Calendar

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LEMULUS CENA,

Plaintiff-Appellant,

versus

DAVID HEDRICK, New Orleans Police Officer;  
SHAWN VINSON, New Orleans Police Officer,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Eastern District of Louisiana  
USDC No. 99-CV-3545-G  
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January 30, 2002

Before DAVIS, BENAVIDES, and CLEMENT, Circuit Judges.

PER CURIAM:\*

Lemulus Cena appeals the magistrate judge's entry of judgment as a matter of law in favor of the defendants following a jury trial in his 42 U.S.C. § 1983 action. He avers that the jury responses to the interrogatories were inconsistent and irreconcilable, thus precluding entry of judgment in favor of the defendants.

Although the jury found that the defendants did not utilize excessive force, were entitled to qualified immunity with regard to Cena's false-arrest claim, and were not liable under Louisiana

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

law, it awarded compensatory damages. However, in the absence of any liability on the part of the defendants, there can be no award of damages. See Nimnicht v. Dick Evans, Inc., 477 F.2d 133, 135 (5th Cir. 1973). The fact that the jury, in all likelihood, simply erred in answering the damage interrogatory does not call into question the validity of the answers to the prerequisite liability questions which were answered in favor of the defendants. See id. Thus, the magistrate judge did not err in entering judgment as a matter of law in favor of the defendants.       AFFIRMED.