

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 02-20547
Summary Calendar

HARRY L BOWLES

Plaintiff - Appellant

v

HARRIS COUNTY, TEXAS

Defendant - Appellee

Appeal from the United States District Court
for the Southern District of Texas
USDC No. H-00-CV-1069

January 22, 2003

Before KING, Chief Judge, and DeMOSS and BENAVIDES, Circuit
Judges.

PER CURIAM:*

Following an almost ephemeral detention, Harry Bowles filed
suit against Harris County, Texas, and its constable alleging,
amongst other charges, a violation of 42 U.S.C. § 1983. The
district court granted summary judgment against Bowles and,
pursuant to 42 U.S.C. § 1988, awarded Harris County attorneys'
fees. Bowles here contests that award.

* 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that this opinion should not be published and is not precedent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.

The district court granted summary judgment against Bowles exactly because he failed to present a prima facie case. For the same reason, this court recently upheld that grant of summary judgment. Bowles v. Cheek, No. 01-21007 (5th Cir. Jun. 5, 2002) (unpublished) (noting the absence of any evidence tending to show a policymaker). It is well within the district court's discretion to grant attorneys' fees to prevailing defendants in § 1983 litigation where the plaintiff fails to make out a prima facie case. See Myers v. City of West Monroe, 211 F.3d 289, 293 (5th Cir. 2000).

Accordingly, the ruling of the district court is AFFIRMED.