

January 7, 2004

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 03-30590  
Summary Calendar

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PAT SHELBY TODD, JR.,

Plaintiff-Appellant,

versus

CITY OF NATCHITOCHEs; ET AL,

Defendants,

VICTOR JONES, In His Official Capacity  
as Sheriff of Natchitoches Parish; LAMAR  
MCGASKEY, Individually and in his Official  
Capacity as Natchitoches Parish Sheriff's  
Deputy,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Western District of Louisiana  
USDC No. 01-CV-1032  
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Before HIGGINBOTHAM, DAVIS and PRADO, Circuit Judges.

PER CURIAM:\*

Pat Shelby Todd, Jr., appeals the district court's award of attorneys' fees to Sheriff Victor Jones and Deputy Lamar McGaskey pursuant to FED. R. CIV. P. 11. The fees were awarded on the

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

basis that the claims asserted by Todd and his attorney were not warranted by existing law and did not constitute nonfrivolous arguments for the extension, modification, or reversal of existing law. See FED. R. CIV. P. 11(b)(2). In his complaint, Todd alleged that his Fourth Amendment right to privacy was violated when non-community-property items in his home were taken by his estranged wife, who was accompanied by Deputy McGaskey (at Sheriff Jones' direction) and two other officers pursuant to a state court order.

This court reviews Rule 11 sanctions for abuse of discretion. Mercury Air Group, Inc. v. Mansour, 237 F.3d 542, 548 (5th Cir. 2001). Neither Sheriff Jones nor Deputy McGaskey searched the home, and neither seized any items from the home. Todd failed to provide citation to any relevant case law suggesting that Sheriff Jones or Deputy McGaskey violated his Fourth Amendment rights. Thus, we find no abuse of discretion in the district court's decision to award attorneys' fees pursuant to Rule 11. See FED. R. CIV. P. 11(c)(2). Accordingly, the judgment of the district court is affirmed.

AFFIRMED.