

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 97-20211  
Conference Calendar

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LEONARD THOMAS EVANS, SR.,

Plaintiff-Appellant,

versus

THE CITY OF BAYTOWN POLICE DEPARTMENT, ET AL.,

Defendants,

SARGENT BUCKLEY; RON MOSER, Investigator;  
R. MERLIN, Investigator; D. LOPEZ, Investigator,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. H-94-CV-1699  
- - - - -

October 23, 1997

Before POLITZ, Chief Judge, and WIENER and DENNIS, Circuit Judges.

PER CURIAM:\*

Leonard Thomas Evans, Sr., Texas prisoner No. 683153,  
appeals the district court's grant of summary judgment in favor  
of the defendants. Evans has abandoned his claims against the  
City of Baytown, City of Baytown Police Chief Shaffer, and Harris  
County Investigator D. Lopez. Brinkmann v. Dallas County Deputy

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that this opinion should not be published and is not precedent  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

Sheriff Abner, 813 F.2d 744, 748 (5th Cir. 1987). The uncontroverted summary judgment evidence shows that there was probable cause to believe that Evans was the suspect who sold cocaine to Investigator Lopez; therefore, the remaining defendants were entitled to summary judgment as to Evans's claims of false imprisonment and malicious prosecution. Sanders v. English, 950 F.2d 1152, 1159-63 (5th Cir. 1992). The court need not address whether the defendants were entitled to qualified immunity. See Wallace v. Texas Tech University, 80 F.3d 1042, 1047 (5th Cir. 1996).

AFFIRMED.