

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-20848
Summary Calendar

EDWARD WILLIAM COLBERT,

Plaintiff-Appellant,

versus

HARRIS COUNTY, ET AL.; JERRY WAYNE COHN, Deputy Sheriff; ROBERT
KAMINSKY, Dr.; STATE OF TEXAS,

Defendants-Appellees.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. H-95-CV-31

March 3, 1999

Before JOHNSON, HIGGINBOTHAM, and DAVIS, Circuit Judges.

PER CURIAM:*

In this civil rights action, Edward William Colbert appeals from the district court's grant of summary judgment and award of attorney's fees to defendant Kaminsky and from the district court's denial of his motion for judgment as a matter of law or for new trial after the jury's verdict for defendant Cohn. Colbert argues that the district court erred (1) by determining that he did not have standing to challenge the constitutionality of Tex. Penal Code Ann. § 38.15, (2) in granting summary judgment in favor of defendant Kaminsky, and (3) by granting

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5th CIR.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

attorney's fees to Kaminsky pursuant to 42 U.S.C. § 1988. Further, Colbert argues that the evidence was insufficient to support the jury's finding that defendant Cohn was entitled to qualified immunity based upon extraordinary circumstances. We have reviewed the record and find no reversible error. Accordingly, the judgment is AFFIRMED for essentially the same reasons stated by the district court. See Colbert v. Harris County, Texas, No. H-95-0031 (S.D. Tex. Sept. 11, 1997) (Memorandum and Order); Colbert v. Harris County, Texas, No. H-95-0031 (S.D. Tex. Sept. 11, 1997) (Memorandum and Opinion); Colbert v. Harris County, Texas, No. H-95-0031 (S.D. Tex. Mar. 25, 1997); Colbert v. Harris County, Texas, No. H-95-0031 (S.D. Tex. Mar. 13, 1996).

AFFIRMED.