

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-50576
Summary Calendar

TYNA SPURLOCK,

Plaintiff-Appellant,

versus

NOBLE THOMAS FAULK;
CITY OF GROESBECK,

Defendants-Appellees.

Appeal from the United States District Court for
the Western District of Texas
(W-96-CV-372)

March 24, 1998

Before REAVLEY, KING and DAVIS, Circuit Judges.

PER CURIAM:*

The summary judgment for the City of Groesbeck is affirmed. There is no evidence that the City either formally approves or implicitly tolerates police conduct in arresting citizens without probable cause or abusing them in the course of investigatory detention. Nor is there evidence of deliberate indifference in officer training, or supervision, or the hiring of officer Faulk.

*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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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 summary judgment for the officer, Noble Thomas Faulk, is reversed. Whether the handcuffing was reasonably justified to detain Spurlock and complete the investigation,¹ she raised an issue of no reasonable ground to arrest for probable cause. We make no ruling on the state law claim but remand that to the district court with the case.

Judgment for the City of Groesbeck is affirmed. Judgment for Noble Thomas Faulk is reversed, and the cause against him is remanded.

¹ See United States v. Sander, 994 F.2d 200 (5th Cir. 1993).