

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

Nos. 92-5208 & 93-4090

BILLY J. HALE,

Plaintiff-Appellee,

vs.

CARL TOWNLEY, *et al.*,

Defendants-Appellants.

BILLY J. HALE,

Plaintiff-Appellant,

vs.

CARL TOWNLEY, *et al.*,

Defendants-Appellees.

Appeals from the United States District Court for the
Western District of Louisiana

Opinion on Reconsideration

(May 13, 1994)

Before REAVLEY and DAVIS, Circuit Judges, and ROSENTHAL, District Judge.*

PER CURIAM:

This court has noted, *sua sponte*, that a footnote in the opinion issued on May 3, 1994 conflicts with an opinion issued by another panel of this court dated April 29, 1994. Footnote 1 of this court's opinion stated that the application of

*District Judge of the Southern District of Texas, sitting by designation.

Hudson v. McMillian, --- U.S. ---, 112 S. Ct. 995, 117 L. Ed. 2d 156 (1992), to Fourth Amendment claims was undecided in the Fifth Circuit. In *Harper v. Harris County, Texas*, CA No. 93-2062, another panel of this court held that "[a] plaintiff is no longer required to prove significant injury to assert a section 1983 Fourth Amendment excessive force claim." This court strikes footnote 1 from its earlier opinion. This court's opinion remains otherwise unchanged.