

UNITED STATES COURT OF APPEALS  
For the Fifth Circuit

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No. 00-10388  
SUMMARY CALENDAR

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G DAVID WESTFALL FAMILY LIMITED PARTNERSHIP; G. DAVID WESTFALL;  
CHRISTINA WESTFALL; JOHN WESTFALL; STEFANI PODVIN; JOHN D.  
PODVIN; Individually and as members of the limited partnership  
*Plaintiffs-Appellants,*

v.

TOMMY PARKS, ET AL,  
*Defendants,*

JAMES JONES AND NAVARRO COUNTY, TEXAS,  
*Defendants-Appellees.*

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Appeal from the United States District Court  
for the Northern District of Texas  
(3:96-CV-3301-L)

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January 26, 2001

Before REYNALDO G. GARZA, DAVIS, AND DENNIS, Circuit Judges.

PER CURIAM:<sup>1</sup>

The Westfall Family Limited Partnership owned a herd of cattle kept on nine tracts of land in Ellis and Navarro Counties in North Texas. In 1996, an official from the Society for the Prevention of Cruelty to Animals ("the SPCA") reported to the Ellis and Navarro County Sheriffs' Departments that the Westfall herd was being mistreated. The departments investigated the SPCA

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<sup>1</sup>Pursuant to 5<sup>th</sup> Cir. R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5<sup>th</sup> Cir. R. 47.5.4.

official's charge and, finding it to be well-founded, seized more than 175 head of cattle and two donkeys owned by the Westfall Family Limited Partnership. Appellants brought suit against the counties and individual officials claiming violations of their Fourth, Fifth, and Fourteenth Amendment rights under the United States Constitution and violations of applicable state law. The district court barred suit against appellee-Jones based on qualified immunity and granted summary judgment in favor of appellee-Navarro County based on a lack of policy or custom in the county of seizing property pursuant to a warrant lacking probable cause. This appeal followed.

Having reviewed the record, the briefs, and the recommendation of the magistrate as adopted by the district court in its order, we agree that summary judgment in favor of appellees was appropriate. Accordingly, we AFFIRM.