

November 24, 2003

IN THE UNITED STATES COURT OF APPEALS

FOR THE FIFTH CIRCUIT

Charles R. Fulbruge III
Clerk

No. 03-50170

RALPH CRESSMAN; PAULA SCHNIZER;
JOE MAGOURIK; GREG MOSBY; JIMMY DAWS,

Plaintiffs-Appellants,

versus

MARTHA ELLIS; CHARLES REED; DONNY HARLAN,
also known as Dony Harland; RICHARD MORRIS;
RAY RUSHING,

Defendants-Appellees.

Appeal from the United States District Court for
the Western District of Texas
(02-CV-275)

ON PETITION FOR REHEARING

Before REAVLEY, HIGGINBOTHAM and BENAVIDES, Circuit Judges.

PER CURIAM:*

Appellees point out in their petition for rehearing that the judgment fails to address the state law claims of Appellant, for invasion of privacy and intentional infliction of emotional distress and the 42 U.S.C. § 1985 conspiracy claim. Because these claims were not raised or argued on appeal by Appellant, the judgment of the district court dismissing them is affirmed.

The petition for rehearing is granted. The judgment of the district court is reversed and the cause is remanded only as to the federal privacy invasion claim under 42 U.S.C. § 1983 and 18 U.S.C. § 2510 as well as the state law claim under TEX. CIV. PRAC. & REM. CODE § 123.002.

Affirmed in Part; Reversed in Part. Remanded.

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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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