

June 18, 2004

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS

FOR THE FIFTH CIRCUIT

No. 03-51072

ESMERELDA AGUIRRE, Individually and as Next Friend for Jimmy
Aguirre, a minor,

Plaintiff - Appellant,

versus

CRYSTAL CITY INDEPENDENT SCHOOL DISTRICT; ALBERT GONZALES,

Defendants - Appellees.

Appeal from the United States District Court
for the Western District of Texas
USDC No. SA-02-CV-587

Before JOLLY, DAVIS, and JONES, Circuit Judges.

PER CURIAM:*

The district court committed no reversible error in holding that the injury was neither foreseeable nor caused by the defendants. Furthermore, on the record before us, the defendants, sued only in their official capacity, cannot be held liable because the evidence fails to establish a policy that was the moving force behind the constitutional violation. See Rivera v. Houston Indep. Sch. Dist., 349 F.3d 244 (5th Cir. 2003). The district court's judgment dismissing the complaint is therefore AFFIRMED.

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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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