

September 3, 2004

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS

FOR THE FIFTH CIRCUIT

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No. 04-30200  
Summary Calendar

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ROBERT CRAIG; CLARENCE E. SCOTTSVILLE;  
BOBBIE J. MCFARLAND,

Plaintiffs-Appellees,

versus

GRANT PARISH POLICE JURY; W. C. HOLLOWAY,  
Individually and as a Member of the Grant Parish Police  
Jury; JULIUS FRED SCOTT, Individually and as a Member  
of the Grant Parish Police Jury; MICHAEL L. BROWN,  
Individually and as a Member of the Grant Parish Police  
Jury; DONNIE BROWN, Individually and as a Member  
of the Grant Parish Police Jury; MARVIN DELONG,  
Individually and as a Member of the Grant Parish Police  
Jury; BOBBY JOE CHELETTE, Individually and as a  
Member of the Grant Parish Police Jury; MELVIN E. GENE  
ALLEN, Individually and as a Member of the Grant Parish  
Police Jury,

Defendants-Appellants.

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Appeal from the United States District Court for  
the Western District of Texas  
(USDC No. 03-CV-147)

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Before REAVLEY, BENAVIDES and CLEMENT, Circuit Judges.

PER CURIAM:\*

The members of the Grant Parish Police Jury appeal the denial of their 12(b)(6) motion, urging their immunity. We affirm for these reasons:

1. The pleading does not allege action necessarily legislative in nature, as the district judge explained.
2. The pleading alleges an uncompensated taking without notice to benefit someone other than for a public purpose.

AFFIRMED.

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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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