

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

No. 12-60735

United States Court of Appeals
Fifth Circuit

FILED

December 23, 2014

TRACEY L. JOHNSON; DAVID JAMES, JR.,

Plaintiffs - Appellants

Lyle W. Cayce
Clerk

v.

CITY OF SHELBY, MISSISSIPPI; HAROLD BILLINGS,

Defendants - Appellees

Appeal from the United States District Court
for the Northern District of Mississippi
USDC No. 2:10-CV-36

ON REMAND FROM THE SUPREME COURT OF THE UNITED STATES

Before HIGGINBOTHAM, CLEMENT, and PRADO, Circuit Judges.

PER CURIAM:*

Following the law of this circuit, we previously affirmed the district court's grant of summary judgment for the City of Shelby on plaintiffs' Fourteenth Amendment due process claims on the ground that plaintiffs failed to invoke 42 U.S.C. § 1983. *Johnson v. City of Shelby, Miss.*, 743 F.3d 59, 62 (5th Cir. 2013). The Supreme Court granted a writ of certiorari and reversed

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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our judgment, holding that a plaintiff need not expressly invoke Section 1983 to state a claim under the statute. *Johnson v. City of Shelby, Miss.*, 574 U.S. ___, 135 S. Ct. 346 (2014). Accordingly, we VACATE the district court's judgment and REMAND the case to the district court for further proceedings consistent with the Supreme Court's opinion.