

UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 91-1731  
Summary Calendar

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ROBERT E. TUBWELL,

Plaintiff-Appellant,

versus

DETECTIVE JERRY BLANKENSHIP,  
ET AL.,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Southern District of Mississippi  
(CAJ 89 0473 (L))

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(December 18, 1992)

Before GARWOOD, JONES, and EMILIO M. GARZA, Circuit Judges.

PER CURIAM:\*

Appellant Tubwell challenges the district court's grant of a directed verdict and other asserted trial errors in connection with his civil rights claim against three police officers. Because the trial court committed no reversible errors, we affirm.

Tubwell challenges the court's grant of defendants' motion for a directed verdict on his two substantive claims. The

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\* Local Rule 47.5 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that Rule, the Court has determined that this opinion should not be published.

district court reasoned that Tubwell's claim for denial of medical care following his participation in a high-speed automobile chase with the police was inadequate legally because Tubwell did not show that the police exhibited deliberate indifference to serious medical needs. Technically, this was not the right formula. As Tubwell was more like a pretrial detainee at the time of the chase than a prisoner, the Constitution guaranteed his right to reasonable medical care unless the failure to provide it was related to a legitimate governmental objective. Van Cleave v. United States, 854 F.2d 82, 84 (5th Cir. 1988). The court did not err in granting directed verdict, however, because Tubwell admitted he experienced only slight, temporary injuries. There was no real need for medical care, hence no unconstitutional deprivation of care.

The court also granted a directed verdict on Tubwell's procedural due process claim having to do with the fact that the police called a private company to tow his car to a garage after he was arrested. The car was released to a member of Tubwell's family after they paid towing and storage fees. The district court held that Tubwell had not shown that state remedies were inadequate to protect his property rights. We need not focus on the adequacy of remedies available under state procedure, however, because Tubwell has not shown that what the officers did was wrong. The car was not removed from him permanently; it was only towed and stored temporarily. How state or federal constitutional law could have been violated by this expediency following Tubwell's arrest is a

mystery, and Tubwell's brief does not solve it. We discern no deprivation of property without procedural due process and, equally important, no basis on which to deny the defendants' claim of qualified immunity.

The procedural issues of which Tubwell complains are meritless. First, the district court did not abuse its discretion in rescheduling the trial, particularly where Tubwell specifically agreed to go forward on the rescheduled date. Second, the error, if any, in denying Tubwell's motion in limine that sought to prevent impeaching him with a 15-year old conviction for armed robbery was harmless in light of the district court's grant of a directed verdict. Third, Tubwell's challenge to one juror is moot because the case was withdrawn from the jury's consideration. Fourth, Tubwell does not dispute that he is an experienced writer and therefore had no need of appointed counsel.

The judgment of the district court is AFFIRMED.