

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 92-3993

RUDI FISCHER,

Plaintiff-Appellant,

VERSUS

NEW ORLEANS, CITY OF, ET AL.,

Defendants-Appellees.

Appeal from the United States District Court
for the Eastern District of Louisiana
(91-CV-3138-H-6)

(April 8, 1994)

Before WISDOM and BARKSDALE, Circuit Judges, and HARMON, District Judge.¹

PER CURIAM:²

This appeal springs from Rudi Fischer's being arrested in New Orleans, Louisiana, following a vehicle accident for which he was cited, and being briefly imprisoned (approximately one and one-half hours) while booking procedures were completed. He was then

¹ District Judge of the Southern District of Texas, sitting by designation.

² Local Rule 47.5.1 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 Pursuant to that rule, the court has determined that this opinion should not be published.

released on bond. The arrest and imprisonment resulted from Fischer's driver's license being issued by one of the few States (California) that has not enacted the Traffic Violations Compact, LSA-R.S. 32:1441 *et seq.* Had this license been issued by a Compact State, the custodial arrest, booking, and imprisonment would not have been necessary under the New Orleans Police Field Standard Operating Procedures.

Fischer filed an action under 42 U.S.C. § 1983, claiming violations of the Fourth and Fourteenth Amendments. He contends that, among other things, these violations included a restriction on his right to travel.³

Having heard oral argument, and reviewed the briefs and the record, including the findings of fact (Fischer agrees with them) and conclusions of law, we disagree with Fischer's claims that his constitutional rights were violated.

Accordingly, the judgment is

AFFIRMED.

³ The right to travel issue was not asserted specifically in either the complaint or the pretrial order. Although a powerful argument can be made that this issue was not properly raised and preserved in district court (trial by consent before a magistrate judge), we have considered it, together with the other claimed constitutional violations.