

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

---

No. 92-4434

---

RUSSELL PRITCHARD, JR. AND  
DEBORAH PRITCHARD,

Plaintiffs-Appellants,

VERSUS

MELVIN GOODIE, ET AL.

Defendants-Appellees.

---

Appeal from the United States District Court  
for the Western District of Louisiana  
(88 CV 2295)

March 25, 1993

Before GARWOOD and HIGGINBOTHAM, Circuit Judges, and SCHWARTZ\*,  
District Judge.

PER CURIAM<sup>1</sup>:

This is an appeal from a bench trial wherein the district court found that the altercation of an off-duty police officer with appellant Russell Pritchard was not an act under the color of state law. Further, the district court held that the City of Breaux

---

\* Senior District Judge of the Eastern District of Louisiana, sitting by designation.

<sup>1</sup> 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 Pursuant to that rule, the Court has determined that this opinion should not be published.

Bridge and its Chief of Police could not be held liable under federal or state law for the purely private acts of one of its employees. Appellants on appeal contest these holdings; the district court's factual findings regarding the behavior of two officers present during a portion of the altercation; the credibility of a witness; the admissibility of certain testimony; and the quantum of damages. Finally, the appellants urge us to reverse because the district court refused to recuse itself from the case and grant a new trial.

We hold that the district court's findings with respect to whether the defendant acted under the color of state law are not clearly erroneous. Therefore, appellants' arguments regarding the City of Breaux Bridge and the Chief of Police are moot. Likewise, the district court's factual findings regarding the behavior of the two officers present during the ongoing altercation, the credibility of a witness, the admission of testimony, and the quantum of damages were not clearly erroneous. Lastly, we hold that the district court properly refused to grant appellants' motion for recusal of the trial judge and a new trial.

AFFIRMED.