

UNITED STATES COURT OF APPEALS
For the Fifth Circuit

No. 93-7682
Summary Calendar

CLAYTON DEWAYNE ROBERTSON,
DEE ANN ROBERTSON, CHRISTOPHER D. ROBERTSON,
by his next friend, Dee Ann Robertson,

Plaintiffs-Appellants,

VERSUS

GREGORY-PORTLAND INDEPENDENT SCHOOL DISTRICT, ET AL,

Defendants-Appellees.

Appeal from the United States District Court
For the Southern District of Texas

(CA C-91-006)

(March 1, 1995)

Before KING, HIGGINBOTHAM and DeMOSS, Circuit Judges.

PER CURIAM:*

* 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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

Clayton Dewayne Robertson, Dee Ann Robertson,¹ and their son, Christopher D. Robertson, filed suit in state court against the Gregory-Portland Independent School District ("GPISD") and a number of GPISD's Board of Trustees members, administrators, and employees, seeking injunctive relief and damages in connection with the expulsion of Christopher Robertson from Gregory-Portland High School ("GPHS") for smoking marijuana.² The defendants removed the action to federal court on the basis of the federal constitutional questions asserted in plaintiff's original complaint. The district court dismissed the claims of Clayton and Dee Ann Robertson because they lacked standing to assert individually claims for actions taken against Christopher Robertson. After Christopher Robertson filed his sixth amended complaint, the district court entered summary judgment in favor of the defendants as to Christopher Robertson's due process and Fourth Amendment claims. The district court remanded Christopher Robertson's state law claims to the state court from which this case was removed. The Robertsons appealed.

We have carefully reviewed the briefs, the reply briefs, the record excerpts and relevant portions of the record itself, and for

¹Clayton and Dee Ann Robertson sued in their own capacities and Dee Ann appeared as the next friend of Christopher Robertson. Christopher Robertson was 17 years old at the time of the expulsion hearing.

²The Robertsons named as defendants GPISD Board of Trustee members, Ann Matula, Jack Kunkle, Gilbert Cortinas, Roberta Jukes, Ernest Hinojosa, Paul Pustejovsky and Phillip Gaston; GPISD administrative employees, Xavier Barrera, M. S. Degaish, Alma Munoz, Ivan Castro, Dottie Chiles (Principal of GPHS), Joe G. Medina and Pete Mocini (Assistant Principals of GPHS).

the reasons stated by the district court in its Order filed April 2, 1993, dismissing claims brought by Dee Ann and Clayton Robertson and stated in its order filed under date of September 14, 1993, granting summary judgment in favor of defendants on the federal claims and remanding the state claims, we are satisfied that the final judgment entered in this cause under date of September 14, 1993, should be and is hereby in all things AFFIRMED.