

UNITED STATES COURT OF APPEALS  
For the Fifth Circuit

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No. 93-8525  
Summary Calendar

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HERBERT D. HOLT and SHIRLEY A. HOLT,  
Individually, and as Next Friends of  
WILLIAM DANIEL HOLT, their minor son,

Plaintiffs-Appellants,

VERSUS

DENNIS HOWLAND, NELDA HOWTON,  
and the TEMPLE INDEPENDENT SCHOOL DISTRICT,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Western District of Texas at Waco

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(W-93-CA-77)

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(November 24, 1993)

Before GARWOOD, SMITH, and DeMOSS, Circuit Judges.

PER CURIAM:\*

Plaintiffs brought suit for injuries alleged to have been sustained by their son, William Daniel Holt, when he was administered two swats with a wooden paddle by defendant Howland as

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

a disciplinary measure. Defendant Howland was the assistant principal of Travis Middle School, and the paddling was administered in the presence of defendant Howton, who was the principal of that school. The defendant, Temple Independent School District, is the employer of Howland and Howton.

The defendants moved for dismissal under Rule 12(b)(6) Fed. R. Civ. P., and the trial judge granted such motion and entered an order explaining his rationale for the dismissal.

We have carefully reviewed the briefs, the record excerpts, and the record on appeal. For the reasons set forth by the trial judge in his order entered on July 27, 1993, we **AFFIRM** the judgment of the trial court.

The law in this circuit is well settled that traditional common law remedies are fully adequate to afford relief for claims arising out of corporal punishment, and the liberty interests implicated under the Fifth Amendment, to the extent that they are different from those under the Fourteenth Amendment, are fully protected under state law. Ingraham v. Wright, 430 U.S. 651, 97 S.Ct. 1401, 51 L.Ed.2d 711 (1977), affirming, 525 F.2d 909 (5th Cir. 1976) en banc; Cunningham v. Beavers, 858 F.2d 269 (5th Cir. 1988); and Fee v. Herndon, 900 F.2d 804 (5th Cir. 1990), cert. denied, 111 S.Ct. 279 (1990).

The judgement of the trial court is **AFFIRMED**.