**IN THE UNITED STATES COURT OF APPEALS**
**FOR THE FIFTH CIRCUIT**

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No. 94-41109
(Summary Calendar)

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MARTHA E. MINNIEWEATHER,

Plaintiff-Appellant,

versus

FRANK E. CARROLL, ET AL.,

Defendants-Appellees.

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Appeal from the United States District Court
for the Western District of Louisiana
(92-CV-1436)

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(May 11, 1995)

Before DUHÉ, WIENER and STEWART, Circuit Judges.

PER CURIAM:*

This appeal from an adverse summary judgment granted by the district court is brought by Plaintiff-Appellant Martha E.

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

Minnieweather, formerly a member of the Louisiana bar,[1] whoSQ proceeding pro seSQfiled a civil rights complaint against Defendants-Appellees Sheriff Frank E. Carroll, Deputy Sheriff Bill Frank, and Officer Gary Freeman, in their individual and official capacities. Minnieweather alleged that she was falsely arrested and imprisoned and was thereafter maliciously prosecuted, in violation of 28 U.S.C. § 1983. Our plenary review satisfies us that here summary judgment constituted appropriate disposition of Minnieweather's action, so we affirm.

I

FACTS AND PROCEEDINGS

The events giving rise to the complaint, as described in the district court's opinion, began on December 7, 1990, when Minnieweather, a member of the Morehouse (La.) Parish School Board, attended a high school basketball game in Bastrop, Louisiana. At the game she sat near several persons who were protesting the actions of Bastrop's head basketball coach. Two men, on separate occasions, walked across the basketball court toward the scorer's table and were eventually arrested by police. Thereafter, the high school principal announced over the public address system that anyone who wished to remain in the high school's gymnasium must stay in the stands; the principal warned that anyone who went onto the basketball court after this announcement would be arrested. No

[1] Minnieweather was disbarred as a result of her misappropriation and mishandling of client funds. In re Minnieweather, 647 So. 2d 1092 (La. 1994); see also United States v. Minnieweather, 93-5223 (5th Cir. July 28, 1994) (unpublished; attached).

sooner had the announcement been made than Minnieweather stood and walked toward the court. She was intercepted by Deputy Frank and Officer Freeman, who arrested her before she actually got to the basketball court. Minnieweather was placed on a bus where she remained until the game was over, and was then transported to the Morehouse Parish Sheriff's Office. She remained there for approximately six hours before being released.

Following a bench trial, Minnieweather was convicted of violating La. Rev. Stat. § 14:328 (B) (willfully obstructing or impeding personnel of an educational institution in the lawful performance of their duties through restraint, abduction, coercion, or intimidation). Her conviction was overturned by the Louisiana Second Circuit Court of Appeals on July 25, 1991.

Two days later Minnieweather filed the instant complaint, alleging (1) false arrest and imprisonment, and (2) malicious prosecution. The Defendants-Appellees filed motions for summary judgment which the district court granted. The court determined that Minnieweather's claims of false arrest and imprisonment had prescribed, and that her claim of malicious prosecution, although timely, was not cognizable under § 1983 in light of the Supreme Court's plurality opinion in Albright v. Oliver, 114 S. Ct. 807, 811 (1994) (holding that the Fourth Amendment governed malicious prosecution claims under § 1983). Minnieweather timely appealed.

II

ANALYSIS

On appeal Minnieweather characterizes "her federally protected

right" as the right to be free from "unlawful arrest and detention," insisting that the Defendants-Appellees are not entitled to qualified immunity[2] because they arrested and detained her without probable cause and, thus, reasonably should have known that their actions violated her constitutional rights. Thus, she argues, the district court erred in dismissing her complaint.

We review a grant of summary judgment de novo and in doing so, apply the same standard applied by the district court. Evans v. City of Marlin, Tex., 986 F.2d 104, 107 (5th Cir. 1993). Summary judgment is proper if, when viewing the evidence in the light most favorable to the non-movant, the moving party establishes that there is no genuine issue as to any material fact and that it is entitled to judgment as a matter of law. Fraire v. City of Arlington, 957 F.2d 1268, 1273 (5th Cir.), cert. denied, 113 S. Ct. 462 (1992); Fed. R. Civ. P. 56(c).

Federal law does not provide a statute of limitations for § 1983 claims; rather, the court must look to the forum state's personal injury limitation period. Moore v. McDonald, 30 F.3d 616, 620 (5th Cir. 1994). In Louisiana, the applicable prescriptive period is one year. La. Civ. Code Ann. art. 3492. Although state law determines the prescriptive period, federal law determines when § 1983 claims accrue. Moore, 30 F.3d at 620. "[U]nder federal law, a cause of action accrues when the plaintiff knows or has reason to know of the injury which is the basis of the action."

[2] This argument is irrelevant, as the district court granted summary judgment of dismissal on grounds of prescription and waiver, not qualified immunity.

Id. at 620-21 (internal quotation and citation omitted). We have previously indicated that the cause of action for false arrest or false imprisonment accrues, at the very latest, when the plaintiff is released from confinement pending a trial on the matter. Pete v. Metcalf, 8 F.3d 216 n.6 (5th Cir. 1993).

On appeal, Minnieweather does not challenge the district court's findings that her claims for false arrest and imprisonment accrued on December 7, 1990; neither does she contest the court's conclusion that her course of action based on those claims had long since prescribed by the time she filed her complaint over nineteen months later. In her appellate brief, she notes the bases of the court's ruling, sets out basic summary judgment law, but then proceeds to make arguments not pertinent to the district court's ruling. Even though we liberally construe the writings of pro se appellants,[3] arguments must nevertheless be briefed to be preserved. Yohey v. Collins, 985 F.2d 222, 225 (5th Cir. 1993) (citations omitted). Accordingly, we deem all issues not briefed by Minnieweather to have been waived.

Minnieweather likewise fails to challenge on appeal the district court's determination that in light of Albright she has no cognizable claim under § 1983. In Albright, a majority of the justices agreed that a claim of malicious criminal prosecution under § 1983, if actionable in constitutional law, is governed by

[3] Here, it is not even clear that Minnieweather, until recently a licensed and practicing attorney, is entitled to liberal construction, but we assume that she is for purposes of this analysis.

the Fourth Amendment rather than by substantive due process. Albright, 114 S. Ct. at 813-14. Here, the district court determined that Minnieweather had alleged only one seizure, the December 1990 arrest and detention; and the court rejected her claim based on that seizure because it was time-barred. The district court reasoned that Minnieweather could not circumvent the limitations period applicable to her false arrest and imprisonment claims by incorporating the seizure within her malicious prosecution claim. The district court also concluded, without citation, that her "malicious prosecution claim effected no seizure." Absent an allegation of a timely seizure, the district court reasoned, Minnieweather's claim was not cognizable under § 1983 after Albright.

The district court may have overstated Albright's holding. Although a majority of the justices agreed that there is no substantive due process claim for malicious prosecution, the Court expressed no view as to the viability or scope of a malicious prosecution claim judged under the Fourth Amendment. Albright, 114 S. Ct. at 813-14. In her concurring opinion, Justice Ginsburg intimated that an arrested person's seizure may continue even after release from official custody. If we were to adopt Justice Ginsburg's view, it would follow that the district court inappropriately concluded that Minnieweather's seizure generated no malicious prosecution claim, and that the court thereby prematurely concluded its analysis. Notwithstanding this possibility, however, as Justice Ginsburg herself acknowledged, there is no obligation to

consider an argument not raised by the appellant. See id. at 816-17 (noting that the "principle of party presentation cautions decisionmakers against asserting" argument for appellant).

As here Minnieweather failed to challenge the district court's reliance on Albright, the issue is not properly before us on appeal and we do not address it. Accordingly, the district court's grant of summary judgment is

AFFIRMED.