

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 94-60226  
Conference Calendar

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WILLIE HOWARD BANKHEAD,

Plaintiff-Appellant,

versus

CITY OF COLUMBUS ET AL.,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Northern District of Mississippi  
USDC No. CA-1:91-359

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(November 16, 1994)

Before JONES, DUHÉ, and PARKER, Circuit Judges.

PER CURIAM:\*

This Court reviews a grant of summary judgment de novo. Abbott v. Equity Group, Inc., 2 F.3d 613, 618-19 (5th Cir. 1993), cert. denied, 114 S. Ct. 1219 (1994). Summary judgment is proper if the moving party establishes that there is no genuine issue of material fact and that it is entitled to judgment as a matter of law. Campbell v. Sonat Offshore Drilling, Inc., 979 F.2d 1115, 1119 (5th Cir. 1992). The party opposing a motion for summary judgment must set forth specific facts showing the existence of a genuine issue for trial. Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 256-57, 106 S. Ct. 2505, 91 L. Ed. 2d 202 (1986). On

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

appeal from summary judgment, this Court examines the evidence in the light most favorable to the nonmoving party. Salas v. Carpenter, 980 F.2d 299, 304 (5th Cir. 1992).

Bankhead argues that there was no probable cause for the second arrest and that the second arrest warrant was wrongfully issued. He did not, however, meet his burden in the district court of opposing the defendants' well-supported motion for summary judgment with affidavits or other evidence showing a genuine issue of material fact. In the district court Bankhead relied only on his own argument and allegations, which are insufficient to oppose the defendants' motion. See Salas v. Carpenter, 980 F.2d at 304-06. "The detention of a person arrested pursuant to a valid warrant . . . [does] not amount to a cognizable constitutional harm." Sanders v. English, 950 F.2d 1152, 1161 (5th Cir. 1992). There is no genuine issue of material fact that the defendants were acting pursuant to a valid warrant.

In his brief Bankhead also argues that the defendants conspired unlawfully to arrest him in violation of 18 U.S.C. §§ 241 and 242. These claims were raised initially in Bankhead's response to the defendants' motion to dismiss. Any error the district court may have committed by its failure to address the claims, see Howard v. King, 707 F.2d 215, 220 (5th Cir. 1983), is harmless because the allegations are conclusional and insufficient to support a claim for relief against the defendants. Dayse v. Schuldt, 894 F.2d 170, 173 (5th Cir. 1990).

AFFIRMED.