

UNITED STATES COURT OF APPEALS  
For the Fifth Circuit

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No. 96-20950  
Summary Calendar

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WENDELL M. SIMMONS

Plaintiff-Appellant,

VERSUS

WOODY K. LESIKAR; FLIGHT ENTERPRISES INCORPORATED; WEST HOUSTON  
AIRPORT; MARCEL R. DIONNE; JOHNNY KLEVENHAGEN, Sheriff

Defendants-Appellees.

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Appeal from the United States District Court  
For the Southern District of Texas  
(CA H-94-3527)

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April 22, 1997

Before SMITH, DUHÉ, and BARKSDALE, Circuit Judges.

PER CURIAM:<sup>1</sup>

Appellant Simmons appeals the grant of Defendants' motions for summary judgment which resulted in the dismissal of his case against them for false arrest, false imprisonment, malicious prosecution and civil conspiracy. We affirm.

Simmons first argues that the district court erred in granting

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<sup>1</sup>Pursuant to Local Rule 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

Defendants' motions for summary judgment without ruling on Simmons' motion for an extension of time to file a response. We find no abuse of discretion. Under the local rules the court was free to rule on the motion for summary judgment when the allotted time elapsed. At that point, Appellant had not even moved for an extension of time much less responded. His motion for more time was filed three days before the court ruled on the motion for summary judgment. There is no obligation on the court to grant delays, and the time for response under the local rules had run before the court acted.

Although the court did characterize Defendants' motions as unopposed, it did examine the record fully to determine if there was evidence to create an issue of fact, and found none. None has been submitted to date. The motions were, therefore, properly granted.

AFFIRMED.