

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-30242
Summary Calendar

EARL LEE BALLENGER,

Plaintiff-Appellant,

versus

CHARLES C. FOTI, JR. Sheriff,
Orleans Parish Criminal Sheriff's Office;
DONALD NIDES, Detective,

Defendants-Appellees.

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Appeal from the United States District Court
for the Eastern District of Louisiana
USDC No. 96-CV-2136-N
- - - - -

November 24, 1997

Before KING, HIGGINBOTHAM and DAVIS, Circuit Judges.

PER CURIAM:*

Earl Lee Ballenger, Louisiana prisoner # 370855, proceeding pro se and in forma pauperis (IFP), appeals the dismissal of his civil rights complaint, 42 U.S.C. § 1983, against Sheriff Charles Foti and Detective Donald Nides. The case proceeded to a bench trial before the magistrate judge on the consent of the parties.

Ballenger asserts that the magistrate judge erred in dismissing his claim against Detective Nides for illegal arrest

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

and in dismissing his claim against Sheriff Foti for failing to give him an appearance before a judicial officer within 72 hours of his arrest. Ballenger asserts that the magistrate judge lacked jurisdiction to rule on his motion for a default judgment, and he raises various other claims related to the magistrate judge's treatment of pretrial and trial matters. Ballenger also asserts that the magistrate judge did not allow him to present his claim for illegal detention.

We have reviewed the record and the briefs filed by the parties, and we AFFIRM the dismissal of Ballenger's complaint for essentially the same reasons articulated by the magistrate judge. See Ballenger v. Pennington, No. 96-2136 (E.D. La. Feb. 26, 1997).

AFFIRMED.