

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 98-10325
Conference Calendar

JUANA OLGA ROMERO,

Plaintiff-Appellant,

versus

CITY OF RICHARDSON; D MEYER; B RICHARDS;
FRIENDLY CHEVROLET COMPANY,

Defendants-Appellees.

- - - - -
Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:97-CV-2189-G
- - - - -

December 9, 1998

Before DAVIS, DeMOSS, and STEWART, Circuit Judges.

PER CURIAM:*

Juana Olga Romero appeals the dismissal of her 42 U.S.C. § 1983 suit under FED. R. CIV. P. 12(b)(6) for failure to state a claim for which relief can be granted. When the plaintiff alleges that the defendant committed an unlawful arrest without a warrant, she must show that the defendant did not have probable cause to arrest, as is required by the Fourth Amendment. See United States v. Walker, 960 F.2d 409, 416 (5th Cir. 1992)(direct criminal appeal). "Probable cause exists when the facts and

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

circumstances within the knowledge of the arresting officer are sufficient to cause a person of reasonable caution to believe that an offense has been or is being committed." Id. (citation and internal quotation omitted).

Romero admits in her original complaint that the police had a report that the vehicle she was driving was stolen and that she did not own the vehicle. Under Texas law, this gave the police officers probable cause to arrest her for theft or unauthorized use of a vehicle. Because there was probable cause for the arrest, Romero has not alleged any violation of her constitutional rights. The decision of the district court is AFFIRMED.