

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 99-11011

PATRICIA BIBBS; EZIL BIBBS;
HAMPTON UNIVERSITY; VANETTA KELSO,

Plaintiffs-Appellants,

versus

CITY OF LUBBOCK, TX; ET AL,

Defendants,

MIKE OVERLAND, Individually
and in his official capacity,

Defendant-Appellee

No. 99-11379

PATRICIA BIBBS; EZIL BIBBS;
HAMPTON UNIVERSITY; VANETTA KELSO,

Plaintiffs-Appellants,

versus

CITY OF LUBBOCK, TEXAS; ET AL,

Defendants,

CITY OF LUBBOCK, TEXAS;
KEN WALKER, Individually and in his
official capacity as Police Chief;
DAVID HOUSER, Individually and in his official capacity;
KEITH JOBE, Individually and in his official capacity;
McNEILL, Individually and in his official capacity;
OFFICER HEARRON, Individually and in his official capacity,
Defendants-Appellees.

Appeal from the United States District Court

For the Northern District of Texas
(5:99-CV-193-C)

November 28, 2000

Before HIGGINBOTHAM and DeMOSS, Circuit Judges, and KENT*, District Judge.

PER CURIAM:**

This case arises from an unfortunate incident in which members of the Lubbock Police Department arrested persons who proved to be innocent. With the benefit of briefs and able oral argument, we are persuaded that the judgment entered below should be affirmed for essentially the reasons stated by the trial court.

We add only the observation that police officers enjoy qualified immunity from liability for money damages. This legal protection reflects the fundamental principle that the officers should not be mulcted in damages for law enforcement decisions a reasonable police officer might make given the facts as they then appeared to be - even though later their decision proves to have been a mistake. Our recognition of this protection does not imply that we approve of the officers' decisions. Mistakes were made and acknowledged.

AFFIRMED.

* District Judge of the Southern District of Texas, sitting by designation.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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