

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 99-30487
Summary Calendar

BRIAN T. ,

Plaintiff-Appellant,

versus

DETRA WARD ET AL. ,

Defendants,

DETRA WARD; CHERIE SPOONER;
KAREN FLETCHER;

Defendants-Appellees.

- - - - -
Appeal from the United States District Court
for the Eastern District of Louisiana
USDC No. 97-CV-162-B
- - - - -

April 5, 2000

Before SMITH, BARKSDALE, and PARKER, Circuit Judges.

PER CURIAM:*

Appellant appeals from the district court's grant of judgment on the pleadings and summary judgment in favor of the defendants in his 42 U.S.C. § 1983 complaint. He argues that this court's recent decision in Morris v. Dearborne, 181 F.3d 657 (5th Cir. 1999), is dispositive as this court held in Morris that

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

the plaintiffs in that case had alleged a violation of the right to family integrity which was clearly protected by the Constitution.

Morris, however, is distinguishable as appellant sued social workers whose primary duty is to investigate allegations of child abuse. The facts of the instant case place it in the center of the continuum where the State's interest in protecting children and a family's interest in privacy overlap, and the right to family integrity may properly be characterized as nebulous. Morris, 181 F.3d at 671. Accordingly, the defendants may claim the protection of qualified immunity.

Appellant's malicious prosecution claim fails because he was never prosecuted. Kerr v. Lyford, 171 F.3d 330, 339 (5th Cir. 1999). Appellant's claims of false arrest and false imprisonment are prescribed. Pete v. Metcalf, 8 F.3d 214, 218 n.6 (5th Cir. 1993).

The judgment of the district court is therefore AFFIRMED.