

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

---

No. 99-40202  
Summary Calendar

---

HARRIS GENE HALE,

Plaintiff-Appellant,

versus

CHRISTOPHER CLAYTON, ETC.; ET AL.,

Defendants,

CHRISTOPHER CLAYTON, Officer, Longview Police Department  
Individually and in official capacity;  
RILEY TAYLOR, Detective, Longview Police Department  
Individually and in official capacity,

Defendants-Appellees.

-----  
Appeal from the United States District Court  
for the Eastern District of Texas  
USDC No. 6:98-CV-343  
-----

September 30, 1999

Before JOLLY, SMITH, and BARKSDALE, Circuit Judges.

PER CURIAM:\*

Harris Gene Hale, TDJC #322484, appeals the dismissal with prejudice of his civil rights suit alleging false arrest and malicious prosecution filed pursuant to 42 U.S.C. § 1983. Hale argues that the district court erred in dismissing his false

---

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

arrest claim because he was arrested without a warrant and the grand jury indictment did not act as an independent intermediary breaking the causal chain and insulating the defendants from liability. Hale also argues that his malicious prosecution claim should not have been dismissed because the defendants acted without probable cause. Hale has not briefed the issues of whether the district court properly dismissed the prosecutor and judge or whether the district court properly dismissed his unreasonable search claim, and those claims are deemed waived. See Yohey v. Collins, 985 F.2d 222, 224-25 (5th Cir. 1993).

The district court properly dismissed Hale's false arrest claim because the decision of the grand jury to indict him broke the chain of causation. See Taylor v. Gregg, 36 F.3d 453, 456 (5th Cir. 1994).

The district court erred in dismissing Hale's malicious prosecution claim against Detective Riley Taylor and Officer Christopher Clayton because Hale sufficiently alleged his claim. See Taylor, 36 F.3d at 455. The district court's reliance on the grand jury indictment alone was insufficient to insulate state actors from an action for malicious prosecution. See Hand v. Gary, 838 F.2d 1420, 1426 (5th Cir. 1988).

Accordingly, the district court's dismissal of the action is AFFIRMED, with the exception that the district court's dismissal of the malicious prosecution claim against Taylor and Clayton is VACATED, and the case is REMANDED.

AFFIRMED IN PART, VACATED IN PART, and REMANDED.