

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

m 99-41331

DENNIS TREVINO,

Plaintiff-Appellant,

VERSUS

CITY OF CORPUS CHRISTI; JUAN GARZA; HENRY GARRETT; JIMMY BRAY;
NANCY MRAZAK; PETER MERKL; AND MICHAEL WALSH,

Defendants-Appellees.

Appeal from the United States District Court
for the Southern District of Texas
(C-97-CV-608)

August 30, 2000

Before SMITH and DENNIS, Circuit
Judges, and HARMON, District Judge.*

PER CURIAM:**

Dennis Trevino appeals a summary judgment entered in his civil rights action brought under 42 U.S.C. § 1983. His claims include malicious prosecution and intentional infliction of emotional distress.

* 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
(continued...)

** (...continued)
published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

We have examined the briefs and pertinent portions of the record and have heard the arguments of counsel. We find no reversible error in any of the actions taken by the district court.

Specifically, we do not believe the court unduly restricted discovery. On the issue of malicious prosecution, the district court carefully set forth all the facts and circumstances that easily establish probable cause to prosecute the plaintiff. Moreover, the defendants' actions do not reach the level required for a finding of intentional infliction of emotional distress.

AFFIRMED.