IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 93-8592
Conference Calendar

DANIEL H. SPARKMAN, as parent and next friend of minor children D.S., A.S., R.S., S.S., ET AL.,

Plaintiffs,

DANIEL H. SPARKMAN, as parent and next friend of minor children D.S., A.S., R.S. and S.S.,

Plaintiff-Appellant,

versus

COMAL COUNTY, TEXAS, ET AL.,

Defendants-Appellees.

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Appeal from the United States District Court
for the Western District of Texas
USDC No. A-93-CA-305-JN

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(July 21, 1994)

Before POLITZ, Chief Judge, and JOLLY and DAVIS, Circuit Judges.

PER CURIAM:*

Based on the undisputed facts, a reasonable officer would have believed that Daniel H. Sparkman consented to the search of his automobile. No constitutional violation exists because Comal County, Texas, Deputies Morales and Kolbe did not violate the

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* Local Rule 47.5 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that Rule, the Court has determined that this opinion should not be published.

Sparkman family's right to be free from unreasonable searches. See Illinois v. Rodriguez, 497 U.S. 177, 185-89, 110 S.Ct. 2793, 111 L.Ed.2d 148 (1990). As the Sparkmans' § 1983 claim against the deputies is meritless, it is axiomatic that their § 1983 claim against the County fails also. See Benavides v. County of Wilson, 955 F.2d 968, 972 (5th Cir.), cert. denied, 113 S.Ct. 79 (1992).

The Sparkmans have not stated a cause of action under Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388, 397, 91 S.Ct. 1999, 29 L.Ed.2d 619 (1971) because they do not allege any involvement by a federal official. The Sparkmans' claims under 42 U.S.C. §§ 1985 and 1986 fail because they have not established the existence of a conspiracy or that they were subject to a racial or other class-based invidiously discriminatory animus. See Mississippi Women's Medical Clinic v. McMillan, 866 F.2d 788, 793 (5th Cir. 1989).

The appeal is without arguable merit and thus frivolous. See Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983). Because the appeal is frivolous, it is DISMISSED. 5th Cir. Rule 42.2.

On April 15, 1994, after the filings of the appellant's brief, appellant was warned by order of this Court that frivolous filings invite sanctions from the Court. We repeat that warning.