

July 26, 2007

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS

FOR THE FIFTH CIRCUIT

No. 06-30020

BERNICE LOUISE SPENCER, Individually
and on behalf of Shadow Spencer and Raevyn Spencer,

Plaintiff - Appellant,

vs.

JACK STATON, Individually and in his official
capacity; DEWAYNE BRUMLEY, Individually and in his
official capacity; GUFFEY LYNN PATTISON, Individually
and in his official capacity,

Defendants - Appellees.

Appeal from the United States District Court for the
Western District of Louisiana

ON PETITION FOR REHEARING

Before JONES, Chief Judge, and DAVIS and GARZA, Circuit Judges.

PER CURIAM:

IT IS ORDERED that the petition for rehearing is granted
in part as follows:

The portion of the panel opinion discussing appellants'
state law claims for false arrest and imprisonment is withdrawn,
and these claims will be remanded to the district court for
consideration in the first instance.

The second sentence of the opinion is amended to conform with this disposition.

The concluding paragraph of the opinion is also amended to state:

For these reasons, we REVERSE the district court's summary judgment for Detectives Staton and Brumley on the Malley claim and on the state law false arrest and imprisonment claims, AFFIRM for Sheriff Pattison and REMAND for further proceedings. We express no opinion on whether, at trial, Spencer or the detectives will prevail in their respective contentions.

REVERSED IN PART; AFFIRMED IN PART; AND REMANDED.