

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 02-30562  
Summary Calendar

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RONALD MOSS, on behalf of Bobby Moss;  
MADELINE MOSS, on behalf of Bobby Moss,

Plaintiffs-Appellants,

versus

CLARA D CARRIER, Individually & in her capacity as a member of the Iberia Parish School Board; ROBBIE J. LEBLANC, Individually & in his capacity as a member of the Iberia Parish School Board; EDWIN J. BUFORD, Individually & in his capacity as Iberia Parish School Board member; BLAINE A. MECHE, Individually & in his capacity as a member of the Iberia Parish School Board; ISABELLA COLLINS, Individually & in her capacity as a member of the Iberia Parish School Board; MARY B. DAVIS, Individually & in her capacity as a member of the Iberia Parish School Board; BETTY L. VOORHIES, Individually & in her capacity as a member of the Iberia Parish School Board; KAY B. MARCEL, Individually & in her capacity as a member of the Iberia Parish School Board; MARY FAY L. FRESHLEY, Individually & in her capacity as a member of the Iberia Parish School Board; RITA M. HOLMES, Individually & in her capacity as a member of the Iberia Parish School Board; DANNY D. SEGURA, Individually & in his capacity as a member of the Iberia Parish School Board; CHARLES G. SANDERS, II, Individually & in his capacity as a member of the Iberia Parish School Board; EUGENE BAUDRY, Individually & in his capacity as Superintendent of the Iberia Parish School Board; JEAN REAUX, Individually & in his capacity as employee for the Iberia Parish School Board; SCHOOL BOARD OF IBERIA PARISH; JOHN KILGORE, Individually & in his capacity as employee of the Iberia Parish School Board; WOODROW C. GONDRON, JR., Individually & in his capacity as a member of the Iberia Parish School Board, also known as Dro Gondron, Jr., JESSIE J. MCDONALD, Individually & in his capacity as a member of the Iberia Parish School Board, also known as Jay McDonald,

Defendants-Appellees.

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LUCILLE VENTURA, on behalf of Jose Ventura,

Plaintiff-Appellant,

versus

CLARA D. CARRIER, Individually & in her capacity as a member of the Iberia Parish School Board; ROBBIE J. LEBLANC, Individually & in his capacity as a member of the Iberia Parish School Board; EDWIN J. BUFORD, Individually & in his capacity as Iberia Parish School Board member; BLAINE A. MECHE, Individually & in his capacity as a member of the Iberia Parish School Board; ISABELLA COLLINS, Individually & in her capacity as a member of the Iberia Parish School Board; MARY B. DAVIS, Individually & in her capacity as a member of the Iberia Parish School Board; BETTY L. VOORHIES, Individually & in her capacity as a member of the Iberia Parish School Board; KAY B. MARCEL, Individually & in her capacity as a member of the Iberia Parish School Board; MARY FAY L. FRESHLEY, Individually & in her capacity as a member of the Iberia Parish School Board; RITA M. HOLMES, Individually & in her capacity as a member of the Iberia Parish School Board; DANNY D. SEGURA, Individually & in his capacity as a member of the Iberia Parish School Board; CHARLES G. SANDERS, II, Individually & in his capacity as a member of the Iberia Parish School Board; EUGENE BAUDRY, Individually & in his capacity as Superintendent of the Iberia Parish School Board; JEAN REAUX, Individually & in his capacity as employee for the Iberia Parish School Board; SCHOOL BOARD OF IBERIA PARISH; JOHN KILGORE, Individually & in his capacity as employee of the Iberia Parish School Board; WOODROW C. GONDRON, JR., Individually & in his capacity as a member of the Iberia Parish School Board, also known as Dro Gondron, Jr; JESSIE J. MCDONALD, Individually & in his capacity as a member of the Iberia Parish School Board, also known as Jay McDonald,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Western District of Louisiana  
USDC Nos. 01-CV-1806 & 01-CV-1807  
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January 17, 2003

Before JONES, DUHÉ, and CLEMENT, Circuit Judges.

PER CURIAM:<sup>1</sup>

Ronald and Madeline Moss and Lucille Ventura (hereinafter referred to as "Plaintiffs") appeal from the district court's grant of summary judgment for the defendants regarding the plaintiffs' respective and consolidated lawsuits filed under 42 U.S.C. § 1983. The plaintiffs alleged that the defendants violated the Due Process Clause by removing the plaintiffs' respective children from their summer school sessions. This court reviews a grant of summary judgment de novo. See Green v. Touro Infirmary, 992 F.2d 537, 538 (5th Cir. 1993).

Ventura brought a previous action based on the same instant facts in Louisiana state courts, which was denied. The instant claims presented by Ventura are therefore barred under the doctrine of res judicata. See Travelers Ins. Co. v. St. Jude Hosp. of Kenner, La., Inc., 37 F.3d 193, 195 (5th Cir. 1994). Summary judgment was properly granted to the defendants as to Ventura's claims.

Assuming without deciding that the Due Process Clause is applicable to a summer school session, the evidence shows that Bobby Moss received the requisite notice and opportunity to be heard before she was removed from summer school. See Goss v. Lopez, 419 U.S. 565, 581-84 (1975). Because there was no due

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<sup>1</sup> 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.

process violation, summary judgment was properly granted for the defendants as to Moss's claims. Accordingly, the district court's judgment is AFFIRMED.

AFFIRMED.