

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

United States Court of Appeals  
Fifth Circuit

**FILED**

December 12, 2008

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No. 08-40062  
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Charles R. Fulbruge III  
Clerk

ANDRES MARTINEZ

Plaintiff-Appellee

v.

ELOY INFANTE, in his individual capacity; GEORGE  
HERNANDEZ, in his individual capacity; ANICETO  
SANTANA, in his individual capacity; SAUL MATA, in his  
individual capacity; and RICHIE MORENO, in his individual  
capacity

Defendants-Appellants

\_\_\_\_\_  
Appeal from the United States District Court  
for the Southern District of Texas  
No. 7:03-CV-00377  
\_\_\_\_\_

Before HIGGINBOTHAM, BENAVIDES, and STEWART, Circuit Judges.

PER CURIAM:\*

This appeal reaches us after the district court refused to grant qualified immunity to the defendants-appellants for their alleged actions taken in violation of the plaintiff-appellee's constitutional rights. Construing the facts under the appropriate pre-trial standards, the district court found that the law

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

No. 08-40062

was clearly established that Martinez was entitled to procedural protections under Texas law for either his superintendent contract or, if that contract was void, his administrator contract; in light of this, it was objectively unreasonable for the defendants-appellants to deny him such process.

We agree with the district court and we AFFIRM its judgment.