

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

October 10, 2008

No. 07-31018

Charles R. Fulbruge III
Clerk

JAMES ALLEN TERRY, JR.

Plaintiff-Appellee

v.

CORNEL H. HUBERT, Warden of Elayn Hunt Correctional Center

Defendant-Appellant

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

Before KING, HIGGINBOTHAM, and WIENER, Circuit Judges.

PER CURIAM:*

We AFFIRM the district court's ruling and REMAND for further proceedings, including discovery, responsive to Hubert's claims to qualified immunity.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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