

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

December 12, 2008

No. 08-40062

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

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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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.