

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT**

United States Court of Appeals  
Fifth Circuit

**FILED**

March 18, 2010

\_\_\_\_\_  
No. 09-30735  
Summary Calendar  
\_\_\_\_\_

Charles R. Fulbruge III  
Clerk

ANTHONY DANNA,

Plaintiff - Appellant

v.

TERRY APPLE; DONALD TUSA; JAMES DOUSAY; LLOYD SCALLAN;  
HUBERT GRAVES,

Defendants - Appellees

\_\_\_\_\_  
Appeal from the United States District Court  
for the Middle District of Louisiana  
USDC No. 3:07-CV-541  
\_\_\_\_\_

Before REAVLEY, JOLLY, and OWEN, Circuit Judges.

PER CURIAM:\*

The district court's judgment is affirmed. That court had jurisdiction of the case with the federal claim. If an amendment had been allowed, jurisdiction would have remained. Plaintiffs made no response to defendants' motion for summary judgment and the judgment was granted three months later. Plaintiffs claim no error of that.

AFFIRMED.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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