

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-11200

CARLOS JACKSON and DANA JACKSON,

Plaintiffs-Appellees,

v.

T. L. WHEELER, ET AL.,

Defendants,

CITY OF DALLAS,

Defendant-Appellant.

Appeal from the United States District Court
for the Northern District of Texas
(3:96-CV-390-R)

August 10, 1999

Before JONES and STEWART, Circuit Judges and DUPLANTIER, District Judge.*

PER CURIAM:**

The City of Dallas has appealed the injunction issued against it by the district court, which stops prosecutions now pending against Carlos Jackson in municipal court for building code violations and enjoins the City from future bad faith harassment and prosecutions lacking probable cause. The City argued the following issues on appeal: that the district court erroneously

*District Judge of the Eastern District of Louisiana, sitting by designation.

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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

found racial discrimination in the prosecutions of Jackson; that the district court erred in finding bad faith prosecutions in violation of the Fourth Amendment; that the Younger abstention doctrine bars the district court's injunction; and that plaintiffs' constitutional rights were not violated by any official policy or custom of the City of Dallas.

We have carefully considered this appeal in light of the briefs, oral argument and pertinent portions of the record. Having done so, we find no clear error in the court's holding that the City racially discriminated. We do not need to reach whether the district court correctly held that the prosecutions violated Jackson's fourth amendment rights. In light of the court's finding of racial discrimination, it did not abuse its discretion or commit reversible errors of law or fact in narrowly enjoining current prosecutions and future prosecutions that lack probable cause.

The judgment of the district court is accordingly **AFFIRMED.**