

**NOT RECOMMENDED FOR FULL-TEXT PUBLICATION**

**File Name: 05a0127n.06**

**Filed: February 16, 2005**

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**Case No. 03-3940**

**UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT**

<b>DARRELL D. CROSS, ET AL.,</b>	)	
	)	
<b>Plaintiffs-Appellants,</b>	)	
	)	
<b>v.</b>	)	<b>ON APPEAL FROM THE</b>
	)	<b>UNITED STATES DISTRICT</b>
<b>TAMMIE BROOKS, ET AL.,</b>	)	<b>COURT FOR THE SOUTHERN</b>
	)	<b>DISTRICT OF OHIO</b>
<b>Defendants-Appellees.</b>	)	
	)	
	)	
_____	)	

**BEFORE: NELSON and BATCHELDER, Circuit Judges; COLLIER\* District Judge.**

**ALICE M. BATCHELDER, Circuit Judge.** Plaintiffs-Appellants Darrell and Janet Cross appeal the district court’s order granting summary judgment in favor of Franklin County Children Services (“FCCS”) employees Michelle Culp, Patrick Brown, and Barbara Douglas in their individual capacities on plaintiffs’ state law wrongful death claim arising out of the death of their infant son, and their claim under 42 U.S.C. § 1983 that these defendants deprived the plaintiffs’ son of his life without due process of law.<sup>1</sup> The district court held that the statute of limitations bars the Crosses’ § 1983 claim, and that even if it were not barred, the facts of that claim are

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\*The Honorable Curtis L. Collier, district judge for the United States District Court for the Eastern District of Tennessee, sitting by designation.

<sup>1</sup>The plaintiffs also sued various other defendants. The district court granted default judgment to the plaintiffs as to one defendant and dismissed all claims against the others.

indistinguishable from those in *DeShaney v. Winnegabo County Dep't. of Social Services*, 489 U.S. 189 (1988) and the plaintiffs failed to present evidence to support their claim that the conduct of these defendants falls within the state-created-danger exception to *DeShaney*. Further, the court held that the plaintiffs failed to present evidence that the defendants acted wantonly or recklessly, and therefore, under Ohio law, the defendants are immune from suit as employees of Franklin County.

We are mindful of the very sad facts of this case. But after carefully reviewing the record, the applicable law, and the parties' briefs, and having had the benefit of counsels' arguments, we are convinced that the district court did not err in its conclusions. As the district court's opinion carefully and correctly sets out the law governing the issues raised, and clearly articulates the reasons underlying its decision, issuance of a full written opinion by this court would serve no useful purpose. Accordingly, for the reasons stated in the district court's opinion, we **AFFIRM**.