

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

December 11, 2007

No. 06-20913
Summary Calendar

Charles R. Fulbruge III
Clerk

JAMES HENRY ADUDDLE

Plaintiff-Appellant

v.

FORT BEND COUNTY, A Political Subdivision of the State of Texas; SHERIFF
MILTON WRIGHT

Defendants-Appellees

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:04-CV-2867

Before JOLLY, DENNIS and PRADO, Circuit Judges.

PER CURIAM:*

James Henry Aduddle appeals the district court's dismissal on summary judgment of his 42 U.S.C. § 1983 civil rights suit and its subsequent denial of his motion for relief from judgment. Because Aduddle neither alleges nor shows that the alleged violation of his constitutional right to adequate medical treatment arose from the enforcement of an official policy or custom, the district court did not err in dismissing his claims against Fort Bend County and Sheriff

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Wright in his official capacity. See *McKinney v. Irving Indep. Sch. Dist.*, 309 F.3d 308, 312 (5th Cir. 2002); *Woodward v. Andrus*, 419 F. 3d 348, 352 (5th Cir. 2005). Aduddle's claim against Sheriff Wright in his individual capacity fails because he offers nothing more than unfounded assertions to establish that Sheriff Wright's actions resulted in the alleged denial of medical treatment. See *Alton v. Texas A&M Univ.*, 168 F.3d 196, 200 (5th Cir. 1999). Dismissal is also warranted because Aduddle fails to raise a genuine issue of material fact regarding whether defendants were deliberately indifferent to his medical needs. See *Hare v. City of Corinth, Miss.*, 74 F.3d 633, 643 (5th Cir. 1996).

AFFIRMED.