

FILED

May 9, 2003

Charles R. Fulbruge III
Clerk

UNITED STATES COURT OF APPEALS

FOR THE FIFTH CIRCUIT

No. 02-20221

PATRICK BERNARD SMITH,

Plaintiff-Appellant,

versus

TOMMY THOMAS; GARY W. SMIDT, DENNIS W. IVEY;
S.E. BAIRD, Lieutenant; GREGORY A. JONES; DALE W. HUBERT;
ROBERT RUYLE; DEBBIE CLARK, Nurse

Defendants-Appellees.

Appeal from the United States District Court
for the Southern District of Texas
H-99-CV-3256

Before JONES and BENAVIDES, Circuit Judges, and GEORGE P. KAZEN,*
District Judge.

PER CURIAM:**

Patrick Bernard Smith ("Smith"), Texas prisoner no.
896428, appeals the summary-judgment dismissal of his 42 U.S.C. §
1983 action against Harris County, Texas, Sheriff Tommy Thomas;

*District Judge of the Southern District of Texas, 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this opinion should not be published and is not precedent except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.

Deputies Gary Smidt, Dennis Ivey, Dale Hubert, and Robert Ruyle; Lieutenant S.E. Baird; Officer Gregory Jones; and Nurse Debbie Clark.

Before the district court Smith alleged, first, that the defendants used excessive force against him following a disciplinary violation while he was a pretrial detainee and, second, that the defendants thereafter were deliberately indifferent to his medical needs. For the reasons adequately presented in the district court's fine opinion, this Court affirms the district court's grant of summary judgment to the defendants on these two claims.

On appeal Smith adds another claim, namely, that his due process rights were violated when he was placed in restraints following his disciplinary violation. Because Smith failed to present this claim to the district court, he may not raise it on appeal. Leverette v. Louisville Ladder Co., 183 F.3d 339, 342 (5th Cir. 1999).

Judgment **AFFIRMED**.