

July 19, 2007

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

Charles R. Fulbruge III
Clerk

No. 07-20010
Summary Calendar

SANDY RENE CALLEGARI, Individually and As Surviving Heir At Law,
and Next of Kin of Mr. Sandy Leroy Booker Jr. Deceased,

Plaintiff-Appellant,

versus

TOMMY THOMAS, In His Official Capacity as Sheriff of Harris
County, Texas; HARRIS COUNTY TEXAS,

Defendants-Appellees.

Appeal from the United States District Court
for the Southern District of Texas
No. 4:06-CV-2843

Before JONES, Chief Judge, and HIGGINBOTHAM and SMITH, Circuit
Judges.

PER CURIAM:*

The court has carefully reviewed this § 1983 appeal in
light of the briefs and pertinent parts of the record. Having done
so, we find no reversible error of law or fact. The district court
correctly concluded that the plaintiff failed to allege the
existence of an official policy or custom attributable to Harris
County. See Cox v. City of Dallas, 430 F.3d 734, 748-49 (5th Cir.
2006). The court also acted within its discretion by denying leave

* 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opinion should not be published and is not precedent except under the limited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.

to amend the complaint. See Goldstein v. MCI WorldCom, 340 F.3d 238, 254-55 (5th Cir. 2003). We therefore AFFIRM for essentially the reasons stated by the trial court.

AFFIRMED.