

FILED

IN THE UNITED STATES COURT OF APPEALS **August 23, 2007**

FOR THE FIFTH CIRCUIT

Charles R. Fulbruge III
Clerk

No. 07-20134
Summary Calendar

TRISHA L. WAKAT, as Administratrix of the
Estate of James Henry Mitchell; KATHY
GUTIERREZ, as Next Friend of AM, Minor
Child of James Henry Mitchell; SHARON
PATRICK, as Next Friend of JM and SM, Minor
Children of James Henry Mitchell,

Plaintiffs-Appellants

v.

MONTGOMERY COUNTY TEXAS,

Defendant-Appellee

Appeal from the United States District Court
for the Southern District of Texas, Houston
(4:05-CV-978)

Before WIENER, GARZA, and BENAVIDES, Circuit Judges.

PER CURIAM:*

After James Henry Mitchell ("Decedent") died on the morning of his twelfth day in the Montgomery County Texas jail, the Administratrix of his Estate and the next friends of his minor children instituted this action against the County, the Sheriff's Department, the former and current sheriffs

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

of the County, the Medical Director and physician for the inmates of the County Jail, the Tri-County Mental Health Agency, and various John an Jane Does, asserting constitutional claims under 42 U.S.C. § 1983 and Texas law claims. After considerable proceedings and the accumulation of a large record, the district court granted motions for summary judgment, dismissing all federal claims against all defendants with prejudice and dismissing all state law claims without prejudice.

We have now reviewed with care the considerable record on appeal, including the district court's extensive Memorandum Opinion and Order signed on January 12, 2007, and the facts and law as explicated in the excellent appellate briefs filed by opposing counsel. As a result, we are in complete agreement with the rulings of the district court and the reasons and reasoning supporting those rulings; and we can see no reason for writing substantively, as our doing so would merely replicate the writing of the district court. We therefore incorporate herein by reference the aforesaid Memorandum Opinion and Order of that court and affirm the rulings and judgments of the district court in all respects.

AFFIRMED.