

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

August 19, 2015

Lyle W. Cayce
Clerk

No. 15-40221
Summary Calendar

DAVID LAMONT MORGAN,

Plaintiff - Appellant

v.

DENISON POLICE DEPARTMENT; ADRON DOUGLAS, Officer; JARED
JOHNSON, Mayor of Denison,

Defendants – Appellees

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 4:14-CV-151

Before DAVIS, JONES, and GRAVES, Circuit Judges.

PER CURIAM:*

The court has reviewed this appeal in light of plaintiff's pro se brief, the responsive brief, the district court's thorough opinion and pertinent portions of the record. We affirm.

Morgan filed numerous claims founded in an altercation he had with a local policeman, which ended in his being handcuffed for resisting arrest and

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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an injury to his finger. Morgan sued the Denison Police Department, Officer Douglas, Mayor Johnson and apparently the City pursuant to 42 U.S.C. § 1983 under various constitutional provisions and Texas law. The district court clearly wrote why summary judgment was required for the appellees on all his claims.

On appeal, Morgan's rambling brief does not squarely address the district court's ruling or raise a genuine issue of material fact regarding any of his original causes of action. The court's essential determination, underlying and disposing of all the rest of Morgan's case, is that Officer Douglas did not use excessive force under the circumstances. Morgan has offered no admissible evidence to controvert this finding. To the extent Morgan raises new constitutional and state law claims in this court that he did not plead in the trial court, these claims are waived. *Leverette v. Louisville Ladder Co.*, 183 F.3d 339, 342 (5th Cir. 1999).

The judgment of the district court is **AFFIRMED**.