

United States Court of Appeals  
for the Fifth Circuit

United States Court of Appeals  
Fifth Circuit

**FILED**

August 21, 2023

Lyle W. Cayce  
Clerk

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No. 23-20014  
Summary Calendar

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TOMMY WILLIS,

*Plaintiff—Appellant,*

*versus*

ANTHONY HOWARD, JR., *Lieutenant*; NEIL HINSON, *Lieutenant*;  
GABRIEL MENDOZA, *Sergeant*; UTMB AT GALVESTON; TDCJ-ID  
TRANSPORTATION; TANISHA AUSTIN, *Captain*; JAMES T.  
MCCLEAN, *Captain*; GERI WASHINGTON, *Sergeant*,

*Defendants—Appellees.*

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. 4:17-CV-1594

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Before HIGGINBOTHAM, STEWART, and ELROD, *Circuit Judges*.

PER CURIAM:\*

This appeal stems from a 42 U.S.C. § 1983 civil rights case initiated in 2017 by Tommy Willis, former Texas prisoner # 794591. In his complaint, Willis raised the following claims: (1) the defendants assaulted him, using

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\* This opinion is not designated for publication. *See* 5TH CIR. R. 47.5.

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unnecessary and excessive force; and (2) the defendants denied him medical treatment following the assault. Following a four-day trial, the jury returned a verdict in favor of the defendants on the excessive force claim.

Willis argues on appeal that the district court erred in dismissing the medical care claim during pretrial 28 U.S.C. § 1915 screening and in failing to afford him an opportunity to amend his complaint prior to that dismissal. After considering these arguments, including the cited pretrial order and the totality of the record, we are not persuaded that the district court dismissed Willis's medical care claim during pretrial screening.

**AFFIRMED.**