

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

October 19, 2023

Lyle W. Cayce
Clerk

No. 21-20526
Summary Calendar

DEIDRICK L. CAPERS,

Plaintiff—Appellant,

versus

P. LINDSAY; ED GONZALEZ,

Defendants—Appellees.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:19-CV-1006

Before WIENER, STEWART, and DOUGLAS, *Circuit Judges.*

PER CURIAM:*

Deidrick L. Capers, a former Harris County Jail detainee, filed a 42 U.S.C. § 1983 civil rights complaint against the jail, Ed Gonzalez, and Patrick Lindsay. He alleged as follows: Lindsay, a detention officer, punched him in the upper chest; Lindsay then wrote him up for making unauthorized contact with jail staff; and Gonzalez, the sheriff, allowed the assault. On

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

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appeal, Capers challenges the summary judgment dismissal of his claim against Lindsay. He has abandoned any challenge to the dismissals of the jail and Gonzalez. *See Yohey v. Collins*, 985 F.2d 222, 224-25 (5th Cir. 1993).

We review the grant of summary judgment de novo, “applying the same standard as the district court.” *Austin v. Kroger Tex., L.P.*, 864 F.3d 326, 328 (5th Cir. 2017). After considering the summary judgment evidence and Capers’s arguments on appeal, we discern no error in the dismissal of Capers’s excessive force claim against Lindsay. *See Austin v. City of Pasadena*, 74 F.4th 312, 322 (5th Cir. 2023).

Accordingly, the judgment of the district court is AFFIRMED.