

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

April 3, 2025

Lyle W. Cayce
Clerk

No. 24-20317

BENJAMIN LACOUNT, II,

Plaintiff—Appellant,

versus

TEXAS A & M UNIVERSITY,

Defendant—Appellee.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:24-CV-1087

Before GRAVES, ENGELHARDT, and OLDHAM, *Circuit Judges*.

PER CURIAM:*

Benjamin LaCount, II filed an action in the district court of the Southern District of Texas asserting claims under 42 U.S.C. § 1983, §§ 504 and 508 of the Rehabilitation Act of 1973 (RA), and Title II of the Americans with Disabilities Act of 1990 (ADA) against Texas A&M University. Texas A&M moved for dismissal, which the district court granted on June 20, 2024. LaCount's motion for reconsideration was denied. He subsequently

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

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appealed the district court's dismissal of his ADA and RA claims.¹ Having considered this appeal on the basis of the briefs, record, and the applicable law in this matter, we AFFIRM.

¹ To the extent that LaCount may be asserting a claim under 28 C.F.R. § 35.130(b)(8), we decline to consider this issue raised for the first time on appeal. *See Hogue v. United Olympic Life Ins. Co.*, 39 F.3d 98, 102 (5th Cir. 1994).