

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

April 6, 2021

Lyle W. Cayce
Clerk

No. 18-40856

PRINCE MCCOY, SR.,

Plaintiff—Appellant,

versus

MR. ALAMU,

Defendant—Appellee.

Appeal from the United States District Court
for the Southern District of Texas
No. 3:17-CV-235

ON REMAND FROM
THE SUPREME COURT OF THE UNITED STATES

Before JOLLY, SMITH, and COSTA, *Circuit Judges.*

PER CURIAM:*

This court affirmed in regard to the plaintiff's claims brought under 42 U.S.C. § 1983 alleging violation of the Eighth Amendment. *McCoy v.*

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

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Alamu, 950 F.3d 226 (5th Cir. 2020). Judge Costa dissented in part. *Id.* at 234. On petition for writ of certiorari, the Supreme Court vacated and remanded “for further consideration in light of *Taylor v. Riojas*, 592 U.S. ____, 141 S. Ct. 52, 208 L. Ed. 2d 164 (2020).” *McCoy v. Alamu*, No. 20-31, 2021 U.S. LEXIS 768 (U.S. Feb. 22, 2021) (per curiam).

This matter is REMANDED in its entirety to the district court in accordance with the judgment of the Supreme Court. We express no view as to what proceedings the court should conduct on remand or what decisions it should make. The mandate shall issue forthwith.