

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

November 17, 2021

Lyle W. Cayce
Clerk

No. 20-10800
Summary Calendar

PHILLIP M. VELAZQUEZ,

Plaintiff—Appellant,

versus

BRANDI CARSWELL,

Defendant—Appellee.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 5:19-CV-176

Before SOUTHWICK, OLDHAM, and WILSON, *Circuit Judges.*

PER CURIAM:*

Phillip M. Velazquez appeals the dismissal of his civil lawsuit asserting that the defendant, Brandi Carswell, was deliberately indifferent to his medical needs while he was a pretrial detainee (# 175528) at the Lubbock County Detention Center. The district court dismissed the complaint for

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

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failure to state a claim pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii). We review the district court's dismissal de novo. *Black v. Warren*, 134 F.3d 732, 734 (5th Cir. 1998).

Velazquez has failed to demonstrate any error in the dismissal of his denial-of-medical-care claim. *See Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009); *Bustos v. Martini Club, Inc.*, 599 F.3d 458, 461-62 (5th Cir. 2010); *see also Farmer v. Brennan*, 511 U.S. 825, 837 (1994); *Gobert v. Caldwell*, 463 F.3d 339, 346 (5th Cir. 2006). He likewise has failed to show that the district court abused its discretion in denying his motion to amend his complaint. *See Marucci Sports, L.L.C. v. Nat'l Collegiate Athletic Ass'n*, 751 F.3d 368, 378 (5th Cir. 2014).

Accordingly, the district court's judgment is AFFIRMED. Velazquez's motion to amend his complaint is DENIED.