

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

December 8, 2022

Lyle W. Cayce
Clerk

No. 20-30524

RAYMOND HAROLD KIMBLE, III,

Plaintiff—Appellant,

versus

JOSEPH P. LOPINTO, III, SHERIFF; JEFFERSON PARISH
CORRECTIONAL CENTER; SUE ELLEN MONFRA, DEPUTY CHIEF;
JOHN FITZPATRICK, LEGAL ADVISOR; EDWARD OLSEN, MAJOR;
B. BORDELON, CAPTAIN, ASSISTANT DEPUTY ADMINISTRATOR,
ET AL

Defendants—Appellees.

Appeal from the United States District Court
for the Eastern District of Louisiana
USDC No: 2:19-cv-13078

Before HIGGINBOTHAM, DUNCAN, and ENGELHARDT, *Circuit Judges.*

PER CURIAM:*

Appellant Raymond Harold Kimble, III is a pretrial detainee housed in the Jefferson Parish Correctional Center. Kimble challenges the district court's order adopting the magistrate judge's report and recommendation,

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

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which, following our court’s existing precedent,¹ dismissed his equal-protection and due-process claims as frivolous under 28 U.S.C. § 1915A(b)(1). “The standard of review is *de novo* for a claim dismissed under 28 U.S.C. § 1915A(b)(1), which allows a district court to dismiss an *in forma pauperis* prisoner’s civil right claim *sua sponte* if the complaint is frivolous, malicious, or fails to state a claim upon which relief may be granted.” *Carlucci v. Chapa*, 884 F.3d 534, 537 (5th Cir. 2018) (citing *Green v. Atkinson*, 623 F.3d 278, 280 (5th Cir. 2010)).

We have heard oral argument and have reviewed the applicable law, pertinent parts of the record, including the transcript of the magistrate judge’s *Spears*² hearing, and the briefs. Finding no reversible error, we AFFIRM, essentially for the reasons convincingly set forth by the magistrate judge. *See* 5TH CIR. R. 47.6.

¹ *See, e.g., Longoria v. Dretke*, 507 F.3d 898 (5th Cir. 2007) (per curiam); *Hill v. Estelle*, 537 F.2d 214 (5th Cir. 1976).

² *Spears v. McCotter*, 766 F.2d 179 (5th Cir. 1985).