

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

February 17, 2021

Lyle W. Cayce
Clerk

No. 20-50242

DANIEL VILLEGAS,

Plaintiff—Appellee,

versus

EARL ARBOGAST; HECTOR LOYA; RAY SANCHEZ,

Defendants—Appellants.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 3:15-CV-386

Before DAVIS, SOUTHWICK, and COSTA, *Circuit Judges.*

PER CURIAM:*

Plaintiff Daniel Villegas brought this action against several police officers in their individual capacities, alleging that the police officers violated his constitutional rights by framing him for a double murder he did not

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

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commit.¹ Defendants moved to dismiss the complaint, arguing that they were entitled to qualified immunity and that the complaint lacked sufficient factual matter to state a claim for relief. The district court denied that motion.

We have interlocutory jurisdiction to review the district court's denial of the qualified immunity defense as a matter of law, *see Mitchell v. Forsyth*, 472 U.S. 511, 530 (1985), and pendent appellate jurisdiction to review the district court's determination regarding the sufficiency of the complaint, *Ashcroft v. Iqbal*, 556 U.S. 662, 673–74 (2009). *See also Anderson v. Valdez*, 845 F.3d 580, 588–89 (5th Cir. 2016).

After carefully considering the briefs, record, and oral arguments presented by the parties, we AFFIRM for essentially the reasons given by the district court in its thorough opinion.

¹ Villegas also sued the City of El Paso, four other police officers, and unknown employees of the City of El Paso, but none of these are parties to this appeal.