

United States Court of Appeals
for the Fifth Circuit

No. 21-40904
Summary Calendar

United States Court of Appeals
Fifth Circuit
FILED
November 28, 2022
Lyle W. Cayce
Clerk

JUAN A. MORENO,

Plaintiff—Appellant,

versus

ISAAC KWARTING, *Medical Director, McConnell Unit*; ERICK ECHAVARRY, *Medical Physician, McConnell Unit*; STEVEN STEGER, *Optometrist, McConnell Unit*; DANIEL VIVIS, *Medical Mental Psychotherapist, McConnell Unit*; DONNA BRYANT, *Substitute Counsel-Advocate, McConnell Unit*; GENE E. MILLER; TANYA LAWSON; DANIEL DOMINGUEZ; CANDACE MOORE; MEGAN THOMPSON; PLACIDO SAMANIEGO,

Defendants—Appellees.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 2:20-CV-146

Before JONES, HAYNES, and OLDHAM, *Circuit Judges*.

PER CURIAM:*

Juan A. Moreno, a Texas prisoner, slipped and fell in a prison restroom. He alleged employees of both the University of Texas Medical Branch¹ and the Texas Department of Criminal Justice² failed to provide adequate medical care and access to a prison library restroom. He sued under 42 U.S.C. § 1983 for violations of the Constitution and the Americans with Disability Act (“ADA”). The district court dismissed his claims, adopting the recommendations of a magistrate judge. Moreno now appeals the dismissal of his claims for violations of the Eighth and Fourteenth Amendments of the Constitution and the ADA. He proceeds pro se. Pro se briefs are afforded liberal construction. *See Yohey v. Collins*, 985 F.2d 222, 225 (5th Cir. 1993).

After a careful review of Moreno’s brief, considering the magistrate judge’s opinion and relevant portions of the record, we could not discern any argument against the magistrate judge’s analysis. When an appellant fails to identify any error in the trial court’s analysis, it is the same as if the appellant had not appealed that issue. *See Brinkmann v. Dall. Cty. Deputy Sheriff Abner*, 813 F.2d 744, 748 (5th Cir. 1987). The appeal, therefore, lacks arguable merit and is DISMISSED. *See* 5TH CIR. R. 42.2. His motions to compel the clerk to perform duties and to appoint counsel are DENIED.

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

¹ Isaac Kwarteng, M.D., Erick Echavarry, P.A., Steve Steger, O.D., Vivi S. Daniel, M.D., Tanya Lawson, and Daniel Dominguez.

² Donna Bryant, Candace Moore, Megan Thompson, Placido Samaniego, and Gene Miller.