

United States Court of Appeals  
for the Fifth Circuit

United States Court of Appeals  
Fifth Circuit

**FILED**

June 2, 2022

Lyle W. Cayce  
Clerk

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No. 21-50449  
Summary Calendar

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RANDY LYNN RASPBERRY,

*Plaintiff—Appellant,*

*versus*

WARDEN CYNTHIA LOFTON; KRISTEN A. HURLEY;  
NURSE TERI SMITH; DOUGLAS E. GREENE;  
VALENCIA POLLARD-FORTSON; RANDALL MEYER,

*Defendants—Appellees.*

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Appeal from the United States District Court  
for the Western District of Texas  
No. 6:20-CV-1146

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Before SMITH, STEWART, and GRAVES, *Circuit Judges.*

PER CURIAM:\*

While a state inmate, Randy Raspberry sued prison officials under  
42 U.S.C. § 1983 and under the ADA, alleging deliberate indifference to seri-

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\* 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opinion should not be published and is not precedent except under the limited circum-  
stances set forth in 5TH CIRCUIT RULE 47.5.4.

No. 21-50449

ous medical needs because he was denied dentures. In a comprehensive Order dated April 27, 2021, the district court carefully explained why the complaint must be dismissed for failure to state a claim per 28 U.S.C. § 1915(e).

As the court reasoned, “the law does not require inmates receive the best medical care. Plaintiff does not claim he has been refused an evaluation to determine whether he has a medical need for dentures and does not argue that any medical care provider has determined dentures were medically necessary. Instead, Plaintiff admits that an evaluation was conducted and it was determined that dentures were not medically necessary.” Further, “At best, Plaintiff’s claims against Defendants establish a disagreement with Plaintiff’s medical treatment, negligence, or medical malpractice—none of which amount to a constitutional violation.”

The judgment of dismissal is **AFFIRMED**, essentially for the reasons submitted by the district court. Raspberry’s request for appointment of counsel is **DENIED**.