

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

September 28, 2026

Lyle W. Cayce
Clerk

No. 26-30081
Summary Calendar

BRANDON STEVENSON,

Plaintiff—Appellant,

versus

LONNIE NAIL,

Defendant—Appellee.

Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 5:24-CV-808

Before HAYNES, GRAVES, and RAMIREZ, *Circuit Judges*.

PER CURIAM:*

Brandon Stevenson, Louisiana prisoner # 376827, filed a civil rights complaint raising a claim of excessive force against Lonnie Nail. Stevenson appeals evidentiary rulings of the district court defining the summary judgment record and its decision to grant summary judgment in favor of Nail on the merits of Stevenson's claim.

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

No. 26-30081

The district court did not abuse its discretion in determining that the original written statement submitted by Stevenson from his cellmate did not qualify as competent summary judgment evidence. *See* FED. R. CIV. P. 56(c)(4); 28 U.S.C. § 1746(2); *Ratliff v. Aransas Cnty., Texas*, 948 F.3d 281, 286 (5th Cir. 2020); *Davis v. Fernandez*, 798 F.3d 290, 292-93 (5th Cir. 2015); *Nissho-Iwai Am. Corp. v. Kline*, 845 F.2d 1300, 1306 (5th Cir. 1988). We conclude that the district court denied Stevenson's motion to supplement the summary judgment record as an exercise of discretion and, having considered the relevant factors, we also conclude that the district court did not abuse its discretion in doing so. *See Ratliff*, 948 F.3d at 286; *cf. Davis*, 798 F.3d at 291-94.

Upon de novo review of the summary judgment record as defined by the district court's evidentiary rulings, we hold that Stevenson has not shown that the district court erred in granting summary judgment in favor of Nail and dismissing the complaint with prejudice. *See* FED. R. CIV. P. 56(a); *Langiano v. City of Fort Worth, Texas*, 131 F.4th 285, 291 (5th Cir. 2025); *Davis*, 798 F.3d at 292.

AFFIRMED.