

United States Courts  
Southern District of Texas  
FILED

United States Court of Appeals  
for the Fifth Circuit

December 31, 2024

Nathan Ochsner, Clerk of Court

United States Court of Appeals  
Fifth Circuit

FILED

December 9, 2024

Lyle W. Cayce  
Clerk

ALBERTO RAMOS,

*Plaintiff—Appellee,*

*versus*

SCOTT ERWIN; JENNIFER GILBREATH; HALLIE SMITH;  
FREDERICK MORRISON; GINO DAGO,

*Defendants—Appellants.*

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. 4:23-CV-2517

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

PER CURIAM:\*

Alberto Ramos sued various police officers for false arrest and excessive force arising out of an encounter that took place in Houston, Texas during the early morning hours of July 11, 2021. According to the allegations in Ramos's complaint, which we must accept as true, some of the officers tackled him without reasonable suspicion or probable cause, and afterwards other

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

No. 24-20164

officers used excessive force to restrain him. After the district court partially denied the officers' motion to dismiss based on qualified immunity, the officers appealed.

Having reviewed the record and the parties' briefs, and having heard oral argument, we affirm essentially for the reasons stated in the district court's opinion.

**AFFIRMED.**