

United States Courts
Southern District of Texas
FILED

December 31, 2024

Nathan Ochsner, Clerk of Court

**United States Court of Appeals
for the Fifth Circuit**

United States Court of Appeals
Fifth Circuit

FILED

December 9, 2024

Lyle W. Cayce
Clerk

No. 24-20164

ALBERTO RAMOS,

Plaintiff—Appellee,

versus

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

Defendants—Appellants.

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

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

* 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.