

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

June 2, 2022

Lyle W. Cayce
Clerk

No. 21-50449
Summary Calendar

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.

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

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-

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

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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.