

April 5, 2005

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 04-20571
Summary Calendar

PATRICIA STANTON, Individually and as representative
of the Estate of Scott Allen Mitchell, deceased,

Plaintiff-Appellant,

versus

HARRIS COUNTY; HARRIS COUNTY SHERIFF'S DEPARTMENT;
MARK HOKETT, Acting individually and in his official capacity;
SHIRLEY VOISIN, Individually and in her official capacity

Defendants-Appellees.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:02-CV-3756

Before REAVLEY, JOLLY and HIGGINBOTHAM, Circuit Judges.

PER CURIAM:*

Patricia Stanton filed a 42 U.S.C. § 1983 suit against Harris County, the Harris County Sheriff's Department, Deputy Mark Hokett and Deputy Shirley Voisin, seeking damages arising out of the suicide of Ms. Stanton's son, Scott Mitchell, while he was being held in the Clear Lake Jail in Harris County, Texas. The district court granted summary judgment in favor of the

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

defendants, dismissing Ms. Stanton's claims. Ms. Stanton now appeals.

We review the district court's decision to grant summary judgment de novo, drawing all inferences in favor of the nonmoving party. Fraire v. Arlington, 957 F.2d 1268, 1273 (5th Cir. 1992). In order to prevail on a § 1983 claim based on the alleged failure of law enforcement officials to prevent the suicide of a pretrial detainee, the plaintiff must demonstrate that the officials acted with deliberate indifference to the detainee's needs. Flores v. County of Hardeman, 124 F.3d 736, 738 (5th Cir. 1997). Viewing the evidence in the light most favorable to Ms. Stanton, we conclude that the actions of Deputies Hokett and Voisin did not rise to the level of deliberate indifference. It follows that Harris County cannot be liable. See id.

Accordingly, the judgment of the district court is AFFIRMED.