

United States Court of Appeals  
for the Fifth Circuit

United States Court of Appeals  
Fifth Circuit

**FILED**

March 28, 2024

Lyle W. Cayce  
Clerk

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No. 23-10383

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EUNICE J. WINZER, *Individually and on behalf of the statutory beneficiaries*  
OF GABRIEL A. WINZER; SOHELIA WINZER,

*Plaintiffs—Appellants,*

*versus*

KAUFMAN COUNTY,

*Defendant—Appellee.*

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 3:15-CV-1284

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Before ELROD, OLDHAM, and WILSON, *Circuit Judges.*

PER CURIAM:\*

This is a 42 U.S.C. § 1983 action. Kaufman County sheriff's deputies shot and killed Gabriel Winzer. Appellants brought a Fourth Amendment excessive force claim against the deputies and the County. The district court found that no constitutional violation occurred, so it ruled for the defendants on all claims. A panel of this court affirmed the district court's disposition

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

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with respect to the deputy defendants. *Winzer v. Kaufman Cnty.*, 916 F.3d 464 (5th Cir. 2019) (per curiam). But it found a factual dispute as to whether one deputy committed a constitutional violation, so it reversed the district court's grant of summary judgment to the County as premature. *Id.*

After further proceedings on remand, the County once more moved for summary judgment, arguing plaintiffs failed as a matter of law to establish the prerequisites for municipal liability under *Monell v. Dep't of Soc. Servs. of City of New York*, 436 U.S. 658 (1978). The district court granted the motion, and plaintiffs timely appealed. We have carefully considered the appeal in light of the briefs, oral argument, opinion of the district court, and pertinent portions of the record. Having done so, we find no reversible error of fact or law.

AFFIRMED.