

NOT RECOMMENDED FOR FULL-TEXT PUBLICATION

File Name: 08a0775n.06

Filed: December 22, 2008

No. 07-1600

**UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT**

PATRICIA AUSTIN)

Plaintiff,)

DENNIS MCLAIN, as personal representative of the)
Estate of Anthony Gilhouse)

Plaintiff-Appellant,)

v.)

SECURECARE, INCORPORATED; KATHY)
HEBERT-LAGINESS, R.N.; ANNE LATULIP-)
GARIEPY; DARYL TYRONE PARKER, M.D.;)
JAMES GARRETT)

Defendants-Appellees.)

ON APPEAL FROM THE
UNITED STATES DISTRICT
COURT FOR THE EASTERN
DISTRICT OF MICHIGAN

BEFORE: Daughtrey, Rogers, Circuit Judges, and Restani,* Judge.

ROGERS, Circuit Judge. Plaintiff Dennis McLain, on behalf of the Estate of Anthony Gilhouse, appeals the district court’s grant of summary judgment in favor of defendants SecureCare, Inc., Daryl Tyrone Parker, M.D., James Garrett, R.N., Anne Latulip-Gariepy, L.P.N., and Kathy Hebert-Laginess, R.N. Plaintiff brought this suit pursuant to 42 U.S.C. § 1983 alleging violations

*The Hon. Jane A. Restani, Chief Judge of the United States Court of International Trade, sitting by designation.

No. 07-1600

Austin v. Secure Care, Inc., et al.

of Gilhouse's Eighth and Fourteenth Amendment rights. Plaintiff claims that defendants' deliberate indifference to Gilhouse's serious medical needs resulted in Gilhouse's death from an asthma attack. After reviewing the record, the parties' briefs, and the applicable law, and hearing oral argument, this court determines that no jurisprudential purpose would be served by a panel opinion and affirms the district court's decision for the reasons stated in Judge Edmunds' April 24, 2007, opinion and order. The district court properly granted summary judgment in favor of all remaining defendants. The judgment of the district court is therefore affirmed.