

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 01-11211  
Conference Calendar

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FIDENCIO ARREDONDO,

Plaintiff-Appellant,

versus

WILLIAM SWART, Doctor; Et Al.,

Defendants,

WILLIAM SWART, Doctor,

Defendant-Appellee.

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 2:99-CV-139  
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June 18, 2002

Before HIGGINBOTHAM, DAVIS, and EMILIO M. GARZA, Circuit Judges.

PER CURIAM:\*

Fidencio Arredondo ("Arredondo"), Texas state prisoner #761272, appeals the jury verdict in favor of Dr. William Swart ("Swart") in his 42 U.S.C. § 1983 civil rights action where he alleged that Swart was deliberately indifferent to his medical needs. Arredondo argues that the jury's verdict was unsupported

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

by the evidence. When an appellant challenges the sufficiency of evidence presented at trial but does not raise a FED. R. CIV. P. 50(a) motion before the case is submitted to the jury, this court reviews for plain error. See United States ex rel. Wallace v. Flintco, Inc., 143 F.3d 955, 960 (5th Cir. 1998).

Swart testified that he treated Arredondo for various medical conditions, and he stated that once Arredondo's work restrictions were lifted, Arredondo did not request that Swart request further work restrictions. Accordingly, there was evidence to support the jury verdict. See Flintco, 143 F.3d at 964; see also Hiller v. Mfrs. Prod. Research Group of North Am., Inc., 59 F.3d 1514, 1522 (5th Cir. 1995).

AFFIRMED.