

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 01-20698
Summary Calendar

DANTE D'AGOSTINO,

Plaintiff-Appellant,

versus

PATTERSON, Sergeant; D. MERRELL, DR.; JOHN DOE #1,
DR.; JOHN DOE #2, DR.; CHANNEY, DR.,

Defendants-Appellees.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. H-96-CV-3826

July 15, 2002

Before JOLLY, STEWART and DENNIS, Circuit Judges.

PER CURIAM:*

Dante D'Agostino, Texas prisoner #688309, appeals from the grant of summary judgment for Sgt. Avery Patterson and Dr. E. Thomason. D'Agostino moves to supplement the record, for reconfiguration of the record, and for reconsideration of an order from the Clerk of Court's Office denying him leave to file a reply brief out of time. D'Agostino's motions are DENIED.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

The evidence demonstrates no genuine issues of material fact regarding whether Patterson was deliberately indifferent to D'Agostino's serious medical needs by confiscating D'Agostino's back brace or whether Dr. Thomason was deliberately indifferent for failing to ensure that D'Agostino received a brace. See *Estelle v. Gamble*, 429 U.S. 97, 106 (1976). The district court did not err by granting summary judgment for Patterson and Dr. Thomason.

AFFIRMED.