

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-60665
Summary Calendar

ALBERT JAMES WATTS,

Plaintiff-Appellant,

versus

BILLY RAY EVANS,

Defendant-Appellee.

Appeal from the United States District Court for the
Southern District of Mississippi
(4:95-CV-14LN)

April 11, 1996

Before SMITH, BENAVIDES, and DENNIS, Circuit Judges.

PER CURIAM:*

Albert James Watts, a Mississippi state prisoner, appeals the district court's grant of summary judgment in favor of Sheriff Evans in this civil rights suit in which Watts alleged an Eighth Amendment excessive force claim. 42 U.S.C. § 1983. We affirm for the following reasons.

Watts failed to rebut with any competent summary judgment proof Evans' showing that there was no material issue of fact

*Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

regarding Watts' having "some injury." See Rankin v. Klevenhagen, 5 F.3d 103, 108 (5th Cir. 1993). Further, we do not consider Watts' claim that he suffers emotional problems because he raises it for the first time on appeal. Varnado v. Lynaugh, 920 F.2d 320, 321 (5th Cir. 1991).

AFFIRMED.