

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-60666
Summary Calendar

ALBERT EDMOND,

Plaintiff-Appellant,

versus

RICHARD MARTIN; LISA HERNDON;
EDGAR MORENO; AUSTIN COOLEY;
STANLEY MCLEOD,

Defendants-Appellees.

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Appeal from the United States District Court
for the Southern District of Mississippi
USDC No. 2:95-CV-47-PS
- - - - -

October 2, 1996

Before JONES, DeMOSS and PARKER, Circuit Judges.

PER CURIAM:*

Albert Edmond, #39692, appeals the magistrate judge's dismissal of his claim against Stanley McLeod, Sheriff of Greene County, Mississippi, and the magistrate judge's verdict for the remaining defendants after a bench trial in this prisoner civil rights action pursuant to 42 U.S.C. § 1983 alleging an excessive use of force. Edmond's allegation that Sheriff McLeod failed to

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

investigate the alleged use of force does not state a constitutional claim. Oliver v. Collins, 914 F.2d 56, 57, 60 (5th Cir. 1990). The magistrate judge did not abuse his discretion in refusing to allow Edmond to cross-examine Martin. United States v. Tansley, 986 F.2d 880, 886 (5th Cir. 1993). Edmond's claim that Superintendent Martin failed to investigate and denied his grievance raises no constitutional issue. Hernandez v. Estelle, 788 F.2d 1154, 1158 (5th Cir. 1986). Edmond has not demonstrated that the magistrate judge's finding that Officers Herndon, Moreno, and Cooley did not use excessive force was clearly erroneous. Odom v. Frank, 3 F.3d 839, 843 (5th Cir. 1993).

AFFIRMED.