

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-41158
Summary Calendar

PAUL H. MITCHELL,

Plaintiff-Appellant,

versus

JOSEPH K. PRICE, Warden, Coffield Unit;
UNKNOWN SMITH, Major, Coffield Unit;
BILLY LAYTON,

Defendants-Appellees.

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Appeal from the United States District Court
for the Eastern District of Texas
UDC No. 6:96-CV-398
- - - - -
August 07, 1998

Before JONES, SMITH, and STEWART, Circuit Judges.

PER CURIAM:*

Texas state prisoner Paul H. Mitchell, no. 527550, appeals the district court's grant of summary judgment for the defendants in his 42 U.S.C. § 1983 action. Mitchell argues that the defendants assigned him to work on a hoe squad in violation of his medical restrictions. Mitchell, however, was assigned to a medical hoe squad which complied with his medical restrictions. Mitchell does not demonstrate that the defendants had any actual knowledge that such a work assignment aggravated a serious

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

medical condition. See Jackson v. Cain, 864 F.2d 1235, 1246 (5th Cir. 1989). Viewing the evidence in the light most favorable to Mitchell, we conclude that the district court did not err by granting summary judgment for the defendants and dismissing the action with prejudice. See Fraire v. City of Arlington, 957 F.2d 1268, 1273 (5th Cir. 1992).

Mitchell's motions for a jury demand and to file a reply brief out of time are DENIED as unnecessary.

AFFIRMED. MOTIONS DENIED.