

UNITED STATES COURT OF APPEALS
For the Fifth Circuit

No. 97-50035
Summary Calendar

ISIDRO MARTINEZ RAMIREZ,

Plaintiff-Appellant,

VERSUS

FRANK TURRIGLIO, Corporal; R. SAENZ,

Defendants-Appellees.

Appeals from the United States District Court
For the Western District of Texas

(SA-96-CV-107)

February 23, 1998

Before WISDOM, DUHÉ, and BARKSDALE, Circuit Judges.

PER CURIAM:*

Isidro Martinez Ramirez, a Texas state prisoner, filed suit under 42 U.S.C. § 1983 against two detention officers whom he alleges subjected him to excessive force in violation of his constitutional rights. The jury concluded that the defendants had

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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

not used excessive force, and that Ramirez's suit was frivolous.²

On appeal, Ramirez raises the following assignments of error:

(1) the magistrate judge admitted prejudicial evidence, (2) defense counsel engaged in improper cross-examination, and (3) the verdict resulted from defense counsel's improper closing argument.

We have considered these points carefully. We find that the district court did not commit error, plain or otherwise. Furthermore, Ramirez has failed to make the requisite showing that his substantial rights were affected.³

AFFIRMED.

² The jury answered in the affirmative to a special interrogatory that asked: "Do you find that all of the plaintiff's claims in this case are frivolous, unreasonable, or groundless, or that the plaintiff continued to litigate after they clearly became so?"

³ *FDIC v. Mijalis*, 15 F.3d 1314, 1318-19 (5th Cir. 1994).