

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 99-60188  
Summary Calendar

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DAVID JACKSON,

Plaintiff-Appellant,

versus

JESSIE HOPKINS, ET AL,

Defendants,

ANDRA LEE; RAY CHARLES GREEN; CAROLYN ROBERTSON,

Defendants-Appellees,

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DAVID JACKSON,

Plaintiff-Appellant,

versus

HUBERT ROBERT; CAROLYN ROBERTS; RAY CHARLES GREEN,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Southern District of Mississippi  
USDC Nos. 3:97-CV-674-WS, 97-CV-832  
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October 24, 2000

Before EMILIO M. GARZA, STEWART and PARKER, Circuit Judges.

PER CURIAM:\*

David Jackson, Mississippi prisoner number 39640, appeals the magistrate judge's dismissal of his 42 U.S.C. § 1983 suit.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

His appeal concerns only those claims that arose from incidents occurring in August 1997. Jackson has failed to brief whether his claims of deliberate indifference to medical needs were barred by collateral estoppel. See Yohey v. Collins, 985 F.2d 222, 225 (5th Cir. 1993). Those issues are thus waived.

Jackson has failed to show that the magistrate judge erred in dismissing his excessive force claims. This dismissal was based largely on a credibility assessment, which we will not second-guess. See United States v. Garza, 118 F.3d 278, 283 (5th Cir. 1997). The documentary evidence adduced at trial further supports the magistrate judge's dismissal of Jackson's excessive force claims. Jackson has also failed to show that the magistrate judge erred in consolidating Jackson's cases pursuant to Jackson's motion to do so. Because Jackson has failed to show that the lower court erred, its judgment is AFFIRMED.