

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 01-20240
Summary Calendar

EDDIE A. LEACH, JR.,

Plaintiff-Appellant,

versus

J.G. MARIN; TOMMY B. THOMAS; Sheriff;
LISA BURCHETT; DEPUTY THORNTON,

Defendants-Appellees.

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Appeal from the United States District Court
for the Southern District of Texas
USDC No. H-99-CV-1626
- - - - -

August 31, 2001

Before JONES, SMITH, and EMILIO M GARZA, Circuit Judges.

PER CURIAM:*

Eddie A. Leach, Jr., Texas prisoner # 825037, challenges the district court's denial of his request to proceed in forma pauperis (IFP) on appeal and the district court's conclusion that his appeal is not taken in good faith. He also argues that the district court abused its discretion when it denied his motion to compel discovery and his motions to grant continuances.

The district court properly granted summary judgment on Leach's excessive force and retaliation claims. The evidence

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

established that no injury occurred to Leach on the day of the alleged excessive force incident. See *Gomez v. Chandler*, 163 F.3d 921, 923 (5th Cir. 1999). The record also established that the acts Leach characterized as "retaliation" were either unsupported by any summary-judgment evidence and/or served a legitimate prison objective. See *Celotex Corp. v. Catrett*, 477 U.S. 317, 322 (1986); *Grabowski v. Jackson County Public Defenders Office*, 47 F.3d 1386, 1392 (5th Cir. 1995).

The district court did not abuse its discretion with respect to Leach's discovery requests. See *Krim v. BancTexas Group, Inc.*, 989 F.2d 1435, 1441-42 (5th Cir. 1993). The defendants provided the records in the district court's discovery order. Leach fails to demonstrate how the information he allegedly lacked would create a genuine issue of material fact. *Id.* Accordingly, Leach's IFP request is DENIED, and his appeal is DISMISSED as frivolous. See 5TH CIR. R. 42.2; *Baugh v. Taylor*, 117 F.3d 197, 202 & n.24 (5th Cir. 1997).