

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 01-50420
Summary Calendar

WILLIAM PRICE,

Plaintiff-Appellant,

versus

NATIONAL RAILROAD PASSENGER CORPORATION, doing
business as Amtrak; CENTRAL TEXAS REFUSE INC,

Defendants-Appellees.

Appeal from the United States District Court
for the Western District of Texas
USDC No. A-00-CV-304-SS

February 19, 2002

Before DeMOSS, PARKER, and DENNIS, Circuit Judges.

PER CURIAM:*

William Price appeals the jury's damages award in his negligence action against National Railroad Passenger Corporation and Central Texas Refuse, Inc. Price argues that the district court abused its discretion in denying his motion for a new trial. Price contends that the damages amount was inadequate and was motivated by racism.

In reviewing whether the district court abused its discretion in denying a motion for new trial because of inadequate damages, this court reviews whether there is an absolute absence of 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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.

to support the jury's verdict. See Hidden Oaks Ltd. v. City of Austin, 138 F.3d 1036, 1051 (5th Cir. 1998).

After reviewing the briefs and pertinent record we find that the evidence presented at Price's trial supported the jury's award of damages; therefore the district court did not abuse its discretion in denying Price's motion for a new trial. Shows v. Jamison Bedding, Inc., 671 F.2d 927, 934 (5th Cir. 1982); see also Young v. City of New Orleans, 751 F.2d 794, 798-99 (5th Cir. 1985).

Price's contention that the jury's award of damages was motivated by racism will not be addressed because Price did not raise the argument in the district court, nor has Price adequately briefed the argument on appeal. Yohey v. Collins, 985 F.2d 222, 224-25 (5th Cir. 1993).

For the foregoing reasons the ruling of the district court is AFFIRMED.