

November 6, 2003

Charles R. Fulbruge III  
Clerk

UNITED STATES COURT OF APPEALS  
FIFTH CIRCUIT

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No. 02-41440  
Summary Calendar

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PHILIP M. BRADY,

Plaintiff-Appellant,

versus

RANDALL GELINO, Individually & in his  
Official Capacity as Supervisor/Foreman,

Defendant-Appellee.

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Appeal from the United States District Court  
for the Eastern District of Texas  
(1:01-CV-254)

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Before BARKSDALE, EMILIO M. GARZA, and DENNIS, Circuit Judges.

PER CURIAM:\*

Philip Brady appeals, *pro se*, the summary judgment dismissal of his action against Randall Gelino. Brady contends that Gelino's defense to the action is nullified because he was improperly represented by government attorneys. However, neither *Kentucky v. Graham*, 473 U.S. 159 (1985), nor 28 C.F.R. § 50.15 bar government representation of government employees sued in their individual capacity. "We doubt in any event that the rules regarding

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

representation by the government of its employees are intended for the protection of opposing litigants...." *Bontkowski v. Smith*, 305 F.3d 757, 760 (7th Cir. 2002).

***AFFIRMED***