UNITED STATES COURT OF APPEALS
for the Fifth Circuit

No. 92-4184
Summary Calendar

RICKY D. BLACKNELL,

Plaintiff-Appellant,

VERSUS

KEVIN HUKILL, ET AL.,

Defendants-Appellees.

Appeal from the United States District Court
for the Eastern District of Texas
(6:90 CV 457)

March 17, 1993

Before JOLLY, DUHÉ, and BARKSDALE, Circuit Judges.

PER CURIAM:[1]

Appellant, a Texas state prisoner, appeals from a jury verdict adverse to him in his action brought under 42 U.S.C. § 1983 against prison officers alleging the use of excessive force and denial of medical treatment. Appellant contends that the evidence does not support the verdict, that his counsel was ineffective, and that the jury was improperly impaneled. We find no error and affirm.

No motion for directed verdict or for judgment notwithstanding the verdict was made, so we examine not the sufficiency of the

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[1] Local Rule 47.5 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that Rule, the Court has determined that this opinion should not be published.

evidence but only to determine if any evidence supports the verdict. Shipman v. Central Gulf Lines, Inc., 709 F.2d 383, 385-86 (5th Cir. 1983); Bartholomew v. CNG Producing Co., 832 F.2d 326, 329 (5th Cir. 1987). Our review of the record shows substantial evidence not detailed here which fully supports the jury's verdict. This case was tried before the Supreme Court decision in Hudson v. McMillian, 112 S. Ct. 995 (1992). However, applying the Hudson test to the evidence, it remains more than sufficient.

A civil litigant proceeding under § 1983 has no constitutional or absolute statutory right to counsel. See Ulmer v. Chancellor, 691 F.2d 209, 212-13 (5th Cir. 1982); 28 U.S.C. § 1915(a), therefore, there can be no legally cognizable constitutional claim of ineffective assistance of counsel in such a proceeding.

Appellant finally argues that some jurors were biased against him because they had relatives who were employed by the prison system and because the jury venire contained only two blacks and thus did not represent a fair cross-section of the community. No racial challenge was made at the trial, therefore, none can be made now. Dawson v. Wal-Mart Stores, Inc., 978 F.2d 205, 210 (5th Cir. 1992). The question of bias was fully explored by counsel at trial and the prospective jurors' responses showed them completely capable of reaching an unbiased decision. This claim has no merit.

AFFIRMED.