

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 92-7248  
Conference Calendar

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LEOPOLD LEE PEDRAZA,

Plaintiff-Appellant,

versus

DALTON G. MEYER,  
Sheriff of Victoria  
County, Texas, ET AL.,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. CA-V-87-45  
- - - - -  
(January 22, 1993)

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

PER CURIAM:\*

Pedraza argues that a pro se litigant should be given specific instructions on opposing a motion for summary judgment under Rule 56 of the Federal Rules of Civil Procedure. This Court has rejected this argument in Martin v. Harrison County Jail, 975 F.2d 192, 193 (5th Cir. 1992).

Pedraza next argues that the affidavits of Dr. Johnston S. Cox and vocational nurse Michael Pfeil did not meet the technical

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\* 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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

requirements of Rule 56. This argument has no merit because the affidavits show that both Dr. Cox and Pfeil personally appeared before a notary and swore to their individual statements.

Pedraza's final complaint is that the district court erred in denying his motion under Rule 59(e). Denial of a Rule 59(e) motion is reviewed for abuse of discretion. This standard means that the decision of the district court will be upheld if it is reasonable. Midland West Corp. v. Federal Deposit Ins. Corp., 911 F.2d 1141, 1145 (5th Cir. 1990).

To defeat a motion for summary judgment Pedraza must have set forth specific facts showing a genuine issue as to a material fact. Fraire v. City of Arlington, 957 F.2d 1268, 1273 (5th Cir.), cert. denied, 113 S.Ct. 462 (1992). As part of his Rule 59(e) motion, Pedraza submitted affidavits which confirm the factual accuracy of the defendants' description of the treatment given to him at the time of his incarceration. Further, they do not present anything which would dispute the medical opinion given by Dr. Cox. Pedraza has not demonstrated a genuine issue of material fact that he was not provided with reasonable medical care as a detainee. See Fields v. City of South Houston, 922 F.2d 1183, 1191 (5th Cir. 1991). As a result, the district court acted reasonably in denying the motion.

AFFIRMED.