IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 92-7259
Conference Calendar

CURTIS M. DIAMOND, II,

Plaintiff-Appellant,

versus

JOHN HARDY, ET AL.,

Defendants-Appellees.

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Appeal from the United States District Court
for the Northern District of Mississippi
USDC No. CA-GC-89-517-B-D

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March 19, 1993

Before KING, DAVIS, and SMITH, Circuit Judges.

PER CURIAM:*

Curtis M. Diamond II (Diamond) appeals the dismissal of his civil rights complaint after trial. Diamond first contends that defendants Hogan and Stanton lied at trial. Determining the weight and credibility of evidence is exclusively the province of the trier of fact. United States v. Molinar-Apodaca, 889 F.2d 1417, 1423 (5th Cir. 1989). Diamond therefore has failed to present an issue cognizable on appeal.

Diamond contends that the magistrate judge failed to accord

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

conclusive effect to Stanton's admission that Diamond posed no threat to himself or others. The defendants' testimony that Diamond ignited his jumpsuit does not contradict Stanton's admission that Diamond posed no threat. Diamond's contention thus is unavailing.

Diamond asserts that when he asked defense witness John Millsap, "[h]ow do the prison officials regard me?" that the defendants' attorney "jumped up and stated, `I'd be happy to answer that question[.][']" Diamond does not elaborate further regarding the attorney's action. Nor does he explicitly base a legal argument on that action. Assuming that Diamond attempts to contend that the defense attorney's action constitutes reversible misconduct, he has failed to brief that contention adequately to preserve it for appeal. See Brinkmann v. Dallas County Deputy Sheriff Abner, 813 F.2d 744, 748 (5th Cir. 1987).

Finally, Diamond contends that "[t]he appellant, set forth procedures mented [sic] out by U.S. district court was not met. Not guide lines the defendants had bosses over them called the chain of command, on up to the warden." Assuming that Diamond attempts to contend that the defendants violated a district court judgment and failed to follow prison regulations, he has failed to brief those contentions adequately to preserve them for appeal. See Brinkmann, 813 F.2d at 748.

AFFIRMED.