

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 93-8377
Summary Calendar

ROBERT E. VILLEGAS,

Plaintiff-Appellant,

versus

HARLON COPELAND, Sheriff, ET AL.,

Defendants-Appellees.

Appeal from the United States District Court
for the Western District of Texas
(SA-92-CV-1080)

(June 17, 1994)

Before DAVIS, JONES, and DUHÉ, Circuit Judges.

PER CURIAM:*

Robert Villegas sued the sheriff of Bexar County and Dr. John C. Sparks, the medical director at the Bexar County Adult Detention Center, alleging that between August 1990 and January 1991 he received inadequate medical care at BCADC. The district court granted summary judgment in favor these defendants, and we affirm.

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

Confronted with summary judgment motions, Villegas introduced no evidence to show that Sheriff Copeland played any role in the alleged denial of medical treatment. A supervisor is not automatically liable for § 1983 violations simply because he is the supervisor. Thompkins v. Belt, 828 F.2d 298, 304-05 (5th Cir. 1987). As to Dr. Sparks, Villegas produced no evidence that he, as medical director, had any kind of policy supporting, tolerating or causing the mistreatment of prisoners' medical conditions. Further, to the extent Sparks treated Villegas, Villegas offered no evidence to show that such treatment or failure of treatment amounted to constitutionally significant deliberate indifference.

We refuse to consider allegations that Villegas has raised in the first time in his appellate brief. United States v. Garcia-Pillado, 898 F.2d 36, 39 (5th Cir. 1990).

The judgment of the district court is AFFIRMED.