

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT**

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No. 94-20348  
(Summary Calendar)

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CHARLES RAY BAILEY,

Plaintiff-Appellant,

versus

BOBBY PITIMON ET AL.,

Defendants-Appellees.

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Appeal from United States District Court  
for the Southern District of Texas  
( USCD No. CA-H-89-2636 )

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February 26, 1996

Before JOLLY, JONES and STEWART, Circuit Judges.

PER CURIAM:\*

Texas prisoner Charles Ray Bailey appeals the jury's verdict in favor of the defendants in this suit under 42 U.S.C. § 1983. Bailey argues that the evidence does not support the verdict and that the defendants did not follow Texas Department of Criminal Justice ("TDCJ") policies concerning the use of force against inmates. As Bailey did not move for judgment as a matter of law in the district court, the standard of review is whether there was any evidence to support the jury's verdict. Great Plains Equip., Inc. V. Koch Gathering Sys., Inc., 45 F.3d 962, 968 (5th Cir. 1995).

Because there was ample evidence on the record on which the jury could base its decision that

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\* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4

the TDCJ officers involved had not been malicious in their use of force and that Bailey had not suffered serious injury as a result of the use of force incident, the jury's verdict is AFFIRMED.