

UNITED STATES COURT OF APPEALS
for the Fifth Circuit

No. 94-50312
Summary Calendar

JOSE LORENZO SPEARMAN, a/k/a Carlos Ramirez,

Plaintiff-Appellant,

VERSUS

BRYANT EPPS, Officer, ET AL.,

Defendants-Appellees.

Appeal from the United States District Court
for the Western District of Texas
(W-90-CA-287)

(March 2, 1995)

Before DUHÉ, WIENER, and STEWART, Circuit Judges.

PER CURIAM:¹

Appellant, a Texas Department of Criminal Justice prisoner proceeding pro se, sued the Director, a physician, and several corrections officers under 42 U.S.C. § 1983 alleging use of excessive force. Officer Tatum was dismissed on Appellant's motion. Summary judgment was granted in favor of all defendants in their official capacities. At the close of the Plaintiff's case the district court granted judgment as a matter of law in favor of the physician. Following trial, the jury returned a verdict in favor of all remaining defendants. Appellant filed numerous post-trial motions which were denied.

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

On appeal, Appellant presents sixteen points of error, none of which has merit. For the sake of clarity we restate the issues raised as claims that the district court erred and/or abused its discretion in:

1) Denying Appellant's numerous pretrial motions seeking judgment in his favor;

2) Granting summary judgment to the Defendants in their official capacities;

3) Denying Appellant's motion to reinstate Tatum as a defendant;

4) Declining to hear state law claims;

5) Not allowing Appellant to change his name in the proceedings;

6) Denying Appellant's motion for preliminary injunction;

7) Improperly charging the jury;

8) Granting a directed verdict in the physician's favor;

9) Denying all of Appellant's motions for directed verdict, judgment notwithstanding the verdict and new trial;

10) Imposing costs on Appellant; and

11) Denying Appellant a transcript at Government expense and an extension of time to file a motion for new trial.

Our review of the briefs and record in this case convinces us that the district court committed no reversible error in any of its rulings. This record does not establish that Appellant was in any way the victim of the use of excessive force by Texas Department of Criminal Justice employees.

AFFIRMED.