

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 94-60328
Conference Calendar

RODERICK J. GRABOWSKI,

Plaintiff-Appellant,

versus

SGT. SIMMONS ET AL.,

Defendants-Appellees.

- - - - -
Appeal from the United States District Court
for the Northern District of Mississippi
USDC No. 92-CV-15

- - - - -
(January 26, 1995)

Before POLITZ, Chief Judge, and HIGGINBOTHAM and DeMOSS,
Circuit Judges.

PER CURIAM:*

The district court's decision allowing the defendants to file an amended answer was not an abuse of discretion. See Moody v. FMC Corp., 995 F.2d 63, 65 (5th Cir. 1993).

This Court cannot review the credibility determinations and the weight given to the evidence by the district court because such decisions are not subject to appellate review. Martin v. Thomas, 973 F.2d 449, 453 n.3 (5th Cir. 1992).

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

The magistrate judge's order denying appointment of counsel is not reviewable by this Court because Grabowski did not seek review of the denial of the order from the district judge. See Colburn v. Bunge Towing, Inc., 883 F.2d 372, 379 (5th Cir. 1989).

Grabowski did not request the district court to order an independent investigation of his claim by the United States Attorney. "[I]ssues raised for the first time on appeal are not reviewable by this [C]ourt unless they involve purely legal questions and failure to consider them would result in manifest injustice." Varnado v. Lynaugh, 920 F.2d 320, 321 (5th Cir. 1991).

AFFIRMED.