

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-11143
Summary Calendar

DAVID E. LEWIS,

Plaintiff-Appellant,

versus

FORT WORTH POLICE DEP'T, ET AL.,

Defendants,

B.E. LADD, I.D. 2508;
R.D. ABBOTT, I.D. 1995,

Defendants-Appellees.

- - - - -
Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:94-CV-655-A
- - - - -

October 25, 1996

Before GARWOOD, JOLLY, and DENNIS, Circuit Judges:

PER CURIAM:*

David Earl Lewis appeals the district court's judgment in favor of the defendants following a bench trial on Lewis' civil rights complaint, 42 U.S.C. § 1983. Lewis argues that he was denied a jury trial. However, Lewis did not make a valid jury

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

demand. See Fed. R. Civ. P. 38(b).

Lewis also argues that the district court's denial of Lewis' pro se motion to substitute John E. Sherman as counsel, conditioned on a continuance, effectively denied Lewis assistance of counsel. The district court denied Lewis' motion to substitute counsel because it found the continuance-condition unacceptable. The district court did not abuse its discretion by denying the motion to substitute without prejudice to the attorney making an entry of appearance.

AFFIRMED.