

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-50824
Summary Calendar

DOYLE EMANUEL RAVENELL,

Plaintiff-Appellant,

versus

JACK M. GARNER, Warden, in his
official and individual capacities;
MICHAEL W. MOORE, Reg. Director, in
his official and individual capacities;
WAYNE SCOTT, TEXAS DEPARTMENT OF
CRIMINAL JUSTICE, INSTITUTIONAL DIVISION,

Defendants-Appellees.

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Appeal from the United States District Court
for the Western District of Texas
USDC No. W-94-CV-164
- - - - -

May 17, 1996

Before HIGGINBOTHAM, DUHE' and EMILIO M. GARZA, Circuit Judges.

PER CURIAM:*

Doyle Emanuel Ravenell appeals the district court's grant of summary judgment for the defendants in this civil rights case. We have reviewed the record and the district court's opinion and find no reversible error. Ravenell v. Garner, No. W-94-CA-164

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4

(W.D. Tex. Oct. 12, 1995). The court did not err in granting summary judgment for the defendants because the summary-judgment evidence revealed no genuine issue of material fact as to the deliberate indifference of the defendants. See Farmer v. Brennan, 114 S. Ct. 1970, 1984 (1994). The district court did not abuse its discretion in failing to allow Ravenell to cross-examine a witness during the Spears v. McCotter, 766 F.2d 179 (5th Cir. 1985), hearing. The district court did not abuse its discretion in granting summary judgment for the defendants without affording Ravenell additional time to conduct discovery. See Richardson v. Henry, 902 F.2d 414, 417 (5th Cir.), cert. denied, 498 U.S. 901 (1990) and cert. denied, 498 U.S. 1069 (1991). Further, the district court did not abuse its discretion in denying Ravenell's Fed. R. Civ. P. 59(e) motion to alter or amend the judgment. See Edward H. Bohlin, Co., Inc. v. Banning Co., Inc., 6 F.3d 350, 355 (5th Cir. 1993).

Ravenell's Motion to Strike the Appellee's brief is DENIED.

AFFIRMED.