

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-60704
Summary Calendar

BRYAN WASHINGTON; JAMES
M. LYLE, IV,

Plaintiffs-Appellants,

versus

JOE PRICE, Sheriff; RICK GASTON,
Capt.; JIMMY JOHNSON, Captain;
CRAIN, Dr.; JACKIE NEELY, Nurse;
DIANE ELLINGTON,

Defendants-Appellees.

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Appeal from the United States District Court
for the Southern District of Mississippi
USDC No. 1:95CV26RR
- - - - -

July 24, 1996

Before SMITH, BENAVIDES, and DENNIS, Circuit Judges.

PER CURIAM:*

James M. Lyle, IV, Mississippi state prisoner #84998, appeals from the district court's grant of summary judgment to the defendants in Lyle's civil rights suit. Lyle's notice of appeal was purportedly filed on behalf of both Lyle and Bryan Washington. Because Washington did not sign the notice of appeal, however, the notice is not effective as to Washington.

Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

See Carter v. Stalder, 60 F.3d 238, 239 (5th Cir. 1995). The appeal is therefore DISMISSED as to Washington for lack of appellate jurisdiction.

Lyle argues that the district court erred by granting the defendants' motion for summary judgment without first conducting an evidentiary hearing, that the district court failed to consider Lyle's brief in opposition to the motion for summary judgment, and that the district court erred by adopting verbatim the defendants' brief in support of their motion for summary judgment as its own memorandum order. The district court was not required to conduct an evidentiary hearing on the defendants' summary-judgment motion. See Daniels v. Morris, 746 F.2d 271, 274-75 (5th Cir. 1984). Further, Lyle has failed to demonstrate that the affidavits filed by him in response to the motion for summary judgment were not received and considered by the district court. Finally, Lyle has offered this court no support for his assertion that the district court is prohibited from adopting the legal analysis and reasoning set forth in a brief submitted in support of a summary-judgment motion as its own memorandum order. Accordingly, the judgment of the district court is AFFIRMED.