

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-20283
Conference Calendar

DAVID DELEON RAMIREZ,

Plaintiff-Appellant,

versus

R. G. BELANGER; L. A. MASTERS, Dr.; E. W. BROCK,
Major; PATRICIA L. GEE; L. L. BREWER; M. B. THALER;
TIMOTHY MASSEY; GEORGE R. PIERSON,

Defendants-Appellees.

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Appeal from the United States District Court
for the Southern District of Texas
USDC No. CA-H-93-2286
- - - - -

August 20, 1996

Before KING, DUHÉ, and DeMOSS, Circuit Judges.

PER CURIAM:*

David Deleon Ramirez, #482200, appeals the district court's grant of summary judgment to the defendants-appellees in his 42 U.S.C. § 1983 civil rights action. The district court did not err in ruling that Ramirez's request for surgical relief for his hernia was rendered moot by his 1994 surgery. See Powell v. McCormack, 395 U.S. 486, 496 (1969). Ramirez has abandoned his claim for the restoration of good-time credit. Yohey v. Collins, 985 F.2d 222, 224-25 (5th Cir. 1993). Ramirez's motions "to

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

intervene" and for a temporary restraining order raise factual questions for the first time on appeal and are denied.

AFFIRMED.

MOTIONS DENIED.