

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-30199
Conference Calendar

WADE P. JACKSON,

Plaintiff-Appellant,

versus

JOHNNY SCOTT, Captain,

Defendant-Appellee.

Appeal from the United States District Court
for the Middle District of Louisiana
USDC No. 94-CV-336-B

February 16, 2000

Before EMILIO M. GARZA, BENAVIDES, and DENNIS, Circuit Judges.

PER CURIAM:*

Wade P. Jackson, Louisiana prisoner No. 113076, has filed a motion for permission to file a supplemental brief and a "Motion for Written Verification and Answers." The motions are DENIED.

Jackson argues that the district court erred by entering summary judgment in favor of the defendant without allowing Jackson to complete discovery of his medical records. Jackson has failed to show that the district court abused its discretion by entering summary judgment without ordering further discovery. Richardson v. Henry, 902 F.2d 414, 417 (5th Cir. 1990).

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

For the first time on appeal, Jackson argues that the defendant sprayed a "whole can" of mace into his cell and that he has suffered permanent injuries as a result. These allegations were not presented to the district court and they involve factual matters that cannot be decided by this court for the first time on appeal. Robertson v. Plano City of Texas, 70 F.3d 21, 23 (5th Cir. 1995); United States v. Vital, 68 F.3d 114, 119 (5th Cir. 1995).

AFFIRMED; MOTIONS DENIED.