

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 97-40351  
Summary Calendar

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KENNETH I. GANTHER, REVEREND,

Plaintiff-Appellant,

versus

LESLIE WOODS,

Defendant-Appellee.

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. C-94-CV-405  
- - - - -

March 2, 1998

Before KING, HIGGINBOTHAM, and DAVIS, Circuit Judges.

PER CURIAM:\*

Kenneth Ivory Ganther, Texas inmate #610862, challenges the judgment for the defendant following a jury trial in his suit filed pursuant to 42 U.S.C. § 1983. Ganther argues that the district court abused its discretion when it set aside a default judgment against Woods. Woods showed good cause for the delay, and the district court did not abuse its discretion when it set aside the judgment. See Fed. R. Civ. P. 55(c); In re Dierschke, 975 F.2d 181, 183 (5th Cir. 1992).

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Ganther argues that the district court erred when it denied his motion for summary judgment. Ganther, however, did not meet his initial burden of identifying those portions of the record which he believed demonstrated the absence of a genuine issue of material fact. Celotex Corp. v. Catrett, 477 U.S. 317, 322-23 (1986).

Ganther also challenges the district court's refusal to appoint counsel. Ganther was not entitled to the appointment of counsel. See Ulmer v. Chancellor, 691 F.2d 209, 212 (5th Cir. 1982). Last, Ganther's arguments about the district court's refusal to grant a new trial are without merit. See Weaver v. Amoco Prod. Co., 66 F.3d 85, 88 (5th Cir. 1995).

The judgment of the district court is AFFIRMED and Ganther's request for attorneys' fees and costs is DENIED.