

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

---

No. 99-40396  
Summary Calendar

---

ROBERT ARTHUR MAGOON,

Plaintiff-Appellant,

versus

FRANK BARNETT; TODD BENOIT; DANIEL POUNDERS; JAMES BAKER,

Defendants-Appellees.

- - - - -  
Appeal from the United States District Court  
for the Eastern District of Texas  
USDC No. 1:95-CV-832  
- - - - -

May 19, 2000

Before JONES, DUHÉ, and STEWART, Circuit Judges.

PER CURIAM:<sup>1</sup>

Robert Arthur Magoon, Texas state prisoner # 599317, appeals the verdict for the Defendants following a jury trial in his 42 U.S.C. § 1983 action. Magoon alleged that the Defendants, who are all correctional officers at the Texas Department of Criminal Justice--Stiles Unit, used excessive force against him. On appeal Magoon raised the following claims: (1) the district court abused its discretion when it denied his motion for default judgment against Frank Barnett; (2) the district court abused its discretion when it denied his various motions to impose sanctions; (3) the

---

<sup>1</sup> 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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.

district court abused its discretion when it did not allow him to introduce into evidence several documents allegedly pertaining to the Defendants' credibility and evasion of discovery; (4) the district court abused its discretion when it denied Magoon's motion for appointment of trial counsel; (5) the district court abused its discretion when it denied his request for a continuance; (6) the district court abused its discretion when it allegedly failed to enforce a discovery order pertaining to investigative reports; (7) the jury selection process violated the Jury Selection and Service Act because the jury did not represent a fair cross section of the community; (8) the district court erred when it failed to grant a directed verdict for Magoon; (9) the district court abused its discretion when it denied Magoon's motion for discovery of photographic evidence; and (10) the district court erred when it refused to exclude the Defendants from the court room pursuant to Fed. R. Evid. 615.

We have carefully examined the record as to each point and find neither error nor abuse of discretion.

Accordingly, the judgment of the district court is AFFIRMED.