

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 99-40808
Conference Calendar

ERNEST E. TEEGARDEN,

Plaintiff-Appellant,

versus

VICKIE SULLIVAN, Chief Jailer at Franklin County Jail
in Mt. Vernon, Texas,

Defendant-Appellee.

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 5:97-CV-112

June 14, 2000

Before JOLLY, DAVIS, and STEWART, Circuit Judges.

PER CURIAM:*

Ernest E. Teegarden, Texas prisoner #70731, appeals from the grant of summary judgment for defendant Vickie Sullivan and the dismissal of his civil rights action as time-barred. Teegarden contends that the district court erred by denying his motions for appointment of counsel and by granting the defendant's summary-judgment motion.

The denial of Teegarden's motions for appointment of counsel was not an abuse of discretion. There were no exceptional

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

circumstances in his case requiring appointment of counsel. *Jackson v. Dallas Police Dep't*, 811 F.2d 260, 261 (5th Cir. 1986).

Teegarden does not dispute the determination that he filed his complaint on April 29, 1997. He has abandoned any such contention for appeal. *In re Municipal Bond Reporting Antitrust Litigation*, 672 F.2d 436, 439 n.6 (5th Cir. 1982). Teegarden's unsworn statement and unverified response to Sullivan's summary-judgment motion were not competent to counter the motion. *Nissho-Iwai American Corp. v. Kline*, 845 F.2d 1300, 1306 (5th Cir. 1988). Teegarden otherwise failed to offer specific allegations countering Sullivan's affidavit and the records supporting that affidavit. Because Teegarden failed to present competent summary-judgment evidence indicating that he sought medical treatment on or after April 29, 1995, after Sullivan presented evidence indicating that he had not done so, the district court did not err by granting summary judgment on limitation grounds. *Ali v. Higgs*, 892 F.2d 438, 439 (5th Cir. 1990).

AFFIRMED.