

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 99-41020  
Summary Calendar

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ANTHONY CHANEY

Plaintiff - Appellant

versus

JEFF WITTERSTAETER, Correctional Officer III; HAZEL KITCHEN,  
Lieutenant; ORLANDO JOHNSON, Correctional Officer III;  
SHENANE BOSTON, Counsel; JIMMY ROLLO, Captain; MELTON BROCK,  
Warden; BRAD DRISKELL, Correctional Officer III; JONATHAN  
HEATON, Correctional Officer III; TAMMY JOHNSON,  
Correctional Officer III; UP TAYLOR, Correctional Officer II;  
HENRY REECE, Sergeant; LELAND HEUSZEL, Warden; JOHN TAYLOR;  
UNIDENTIFIED MATTENHOFFER, Nurse; JAMES WARREN; ROY SIMON;  
TAMMY WHITE; VERNON JOHNSON

Defendants - Appellees

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Appeal from the United States District Court  
for the Eastern District of Texas  
USDC No. 9:96-CV-111  
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September 26, 2000

Before KING, Chief Judge, and SMITH and PARKER, Circuit Judges.

PER CURIAM:\*

Anthony Chaney ("Chaney"), Texas state prisoner #656210,  
filed a pro se lawsuit, pursuant to 42 U.S.C. § 1983, alleging  
that numerous prison officials violated his constitutional rights  
under the Eighth and Fourteenth Amendments. The district court

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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that this opinion should not be published and is not precedent  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.

granted the defendants' motions for summary judgment and dismissed Chaney's claims.

We have reviewed the briefs and the record. We have not reviewed the amended complaint in case number 9:96-CV-138 because it is not part of the record. See Sweet Life v. Dole, 876 F.2d 402, 408 (5th Cir. 1989). We conclude that granting summary judgment in favor of the defendants was correct for essentially the same reasons set forth by the district court in its comprehensive opinions. See Chaney v. Witterstaetter, No. 9:96-CV-111 (E.D. Tex. June 29, 1999); Chaney v. Witterstaetter, No. 9:96-CV-111 (E.D. Tex. August 5, 1999). Chaney's motion for the appointment of counsel on appeal is DENIED.

AFFIRMED; MOTION DENIED.