IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

———————————

No. 99-41159
Summary Calendar

———————————

JAMES O'DELL WALTON,

Plaintiff-Appellant,

versus

ORLANDO PEREZ; JESSE G. ORTIZ; MICHAEL J. ROSS;
SHEILA DELGADO STARR; AMBURN, Sergeant; ROSALEZ;
MICHAEL A HUSER; M. PEREZ; LISA M. GONZALES;
RACHEL CARDENAS; GABRIEL D. PACHECO; ROBERT BARRERA;
ANTONIO GARCIA, JR.,

Defendants-Appellees.

———————————————————————————

Appeal from the United States District Court
for the Southern District of Texas
USDC No. C-98-CV-53

———————————————————————————
November 7, 2000

Before POLITZ, JOLLY, and BARKSDALE, Circuit Judges.

PER CURIAM:[*]

———————————

James O'Dell Walton, a Texas state prisoner, appeals an adverse jury verdict in his excessive force suit against the several named corrections officers, and a rejection by the court of other civil rights claims under 28 U.S.C. § 1915(e)(2)(b)(ii). He maintains that the officers used excessive force against him and that the jury erred in its consideration of the evidence presented.

Our review of the record reveals ample evidence supportive of the jury's verdict. Walton has failed to carry the required burden on appeal; specifically, he has failed to show that the evidence was so strongly in his favor that no reasonable juror could have arrived at a contrary verdict.[1]

On appeal Walton advances an objection to the makeup of the jury. This claim was not presented to the trial court. It may not be raised for the first time on appeal and it is accordingly rejected.[2]

The balance of Walton's civil rights claims were tried and rejected by a magistrate judge and by the district court. Our review of the record persuades that Walton's broad-based allegations were not supported by the requisite evidence and that the trial court did not err in dismissing same.

---

set forth in 5TH CIR. R. 47.5.4.

[1]Hiller v. Manufacturers Prod. Research Group, 59 F.3d 1514 (5th Cir. 1995).

[2]Garcia v. Excel Corp., 102 F.3d 758 (5th Cir. 1997).

The verdict and judgments appealed are AFFIRMED.