

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 01-40323
Summary Calendar

ROBERT W. HURT,

Plaintiff-Appellant,

versus

SPECIAL INSURANCE SERVICES, INC.,

Defendant-Appellee.

Appeals from the United States District Court
for the Southern District of Texas
USDC No. C-00-CV-372

January 10, 2002

Before DeMOSS, PARKER and DENNIS, Circuit Judges.

PER CURIAM:*

Robert W. Hurt appeals the district court's summary-judgment dismissal of his lawsuit seeking disability and medical benefits under an occupational-accident insurance policy his employer, Winter Maintenance & Landscaping, Inc. ("Winter Maintenance"), held with Special Insurance Services, Inc. ("SIS"). Although he does not specifically challenge the district court's reasons for granting summary judgment dismissing his claims, he does so indirectly by renewing his claim that SIS wrongfully denied him benefits. The claims were properly dismissed for the reasons

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

explained by the district court, and its judgment is AFFIRMED. See Little v. Liquid Air Corp., 37 F.3d 1069, 1075 (5th Cir. 1994)(en banc); Newell v. Oxford Mgmt., Inc., 912 F.2d 793, 795 (5th Cir. 1990).

Hurt argues that the district court's dismissal was premature because he has new evidence in support of his claims. He refers to this new evidence in his brief, and he has filed a motion to supplement the record with new evidence. The argument will not be considered, and the motion to supplement is DENIED because this court will not review evidence not first submitted to the district court. Theriot v. Parish of Jefferson, 185 F.3d 477, 491 n.26 (5th Cir. 1999), cert. denied, 529 U.S. 1129 (2000).

Hurt also argues that the district court erred in failing to grant him a continuance prior to dismissing his claims. He contends that he was unable to prepare adequately to respond to SIS's summary-judgment motion due to his medical condition. The argument fails because Hurt never requested that the district court grant him a continuance to respond to SIS's motion based on his medical condition.

The majority of Hurt's appellate brief is devoted to the argument that he has been the victim of fraud, concealment, negligence, and perjury by Winter Maintenance, SIS, and SIS's attorneys. He has filed a motion for expedited oral argument renewing his claims of malfeasance, as well as a motion for sanctions. Both motions are DENIED because Hurt's claims are irrelevant and conclusional. Hurt's "expedited motion" seeking

to have this court order SIS to extend him medical coverage for new operations is similarly DENIED.

JUDGMENT AFFIRMED; MOTIONS DENIED.