

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 92-3758  
Conference Calendar

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CHARLES E. LEWIS,

Plaintiff-Appellant,

versus

BRUCE N. LYNN ET AL.,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Middle District of Louisiana  
USDC No. CA90 1160 B M2  
- - - - -  
(December 14, 1993)

Before GARWOOD, JOLLY, and BARKSDALE, Circuit Judges.

PER CURIAM:\*

The district court did not abuse its sound discretion by granting summary judgment in this 42 U.S.C. § 1983 suit before the plaintiff, Charles E. Lewis, completed discovery. Richardson v. Henry, 902 F.2d 414, 417 (5th Cir.), cert. denied, 498 U.S. 901 (1990) and cert. denied, 498 U.S. 1069 S.Ct. 789 (1991); see also International Shortstop, Inc. v. Rally's, Inc., 939 F.2d 1257, 1266 (5th Cir. 1991), cert. denied, 112 S.Ct. 936 (1992); Fed. R. Civ. P. 56(f).

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\* Local Rule 47.5 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that Rule, the Court has determined that this opinion should not be published.

Lewis' brief does not address the district court's ruling that defendant Bruce N. Lynn could not be held vicariously liable under § 1983. Therefore, his claims against Lynn are waived. See Wesson v. Oglesby, 910 F.2d 278, 280 n.1 (5th Cir. 1990).

The record does not show that emergency medical technician (EMT) Scott was deliberately indifferent to Lewis' serious medical need. Estelle v. Gamble, 429 U.S. 97, 106, 97 S.Ct. 285, 50 L.Ed.2d 251 (1976); Varnado v. Lynaugh, 920 F.2d 320, 321 (5th Cir. 1991). As EMT Scott's medical treatment of Lewis did not violate the Constitution, Lewis is not entitled to relief under § 1983 based on his allegation that Scott's treatment caused Lewis emotional distress. Lewis' allegation that EMT Scott violated prison policy by refusing to take Lewis to the prison hospital does not state a claim under § 1983. See Hernandez v. Estelle, 788 F.2d 1154, 1158 (5th Cir. 1986). The Court declines to address the argument that EMT Scott's refusal to admit Lewis to the hospital deprived Lewis of a protected liberty interest without due process because Lewis has not demonstrated that the Court's failure to address this issue, raised for the first time in Lewis' appellate brief, will result in manifest injustice. Lindsey v. F.D.I.C., 960 F.2d 567, 572 (5th Cir. 1992) (citations omitted). The Court also will not consider Lewis' suggestion that monetary sanctions should be imposed against the defendants' attorney because Lewis did not raise this issue in the district court. Id.

Lewis' brief lists other arguments for which he has provided no factual explanation or legal argument. The Court will not

consider appellate issues that have not been briefed. Brinkmann  
v. Abner, 813 F.2d 744, 748 (5th Cir. 1987).

AFFIRMED.