

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 01-41299
Summary Calendar

PHILLIP JOE BARNES,

Plaintiff-Appellant,

versus

MIKE RATCLIFF, Victoria County Sheriff; RAYMUND RUIZ,
Captain; CHARLES HENIN; KELLY ALEXANDER; MARISA KING;
VICTORIA COUNTY SHERIFF'S DEPARTMENT; MIKE ANDES; FREDDIE
NEISSER; JOE GARCIA; JOHNNY VALDEZ; LUIS MARTINEZ; FRANK
CASILLAS; JEFF THOMPSON; FRANK ZDANSKY; GERALD LAGRANGE; DAN
SMITH,

Defendants-Appellees.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. V-99-CV-42

December 13, 2002

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

PER CURIAM:*

Phillip Joe Barnes appeals the district court's summary judgment for the defendants in his civil rights suit filed pursuant to 42 U.S.C. § 1983. Barnes raises as his sole issue on appeal that the district court erred when it granted summary judgment for the defendants when his motion to compel discovery

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

was still pending. The district court did not abuse its discretion in denying Barnes's request for additional discovery given that Barnes failed to specify what additional information he needed and that he was less than diligent in seeking additional discovery. Chevron U.S.A., Inc. v. Traillour Oil Co., 987 F.2d 1138, 1155-56 (5th Cir. 1993).

The judgment of the district court is AFFIRMED. Barnes's motions for appointment of counsel and publication of our opinion are DENIED.