

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 94-50700  
Conference Calendar

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GUADALUPE M. GUTIERREZ,

Plaintiff-Appellant,

versus

RUSSELL WALES, Badge #5362,  
SAPD, ET AL,

Defendants,

RODOLFO GOMEZ, JR.,  
Badge #303, SAPD,

Defendant-Appellee.

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. SA-91-CA-281  
- - - - -

December 10, 1996

Before WIENER, BARKSDALE, and BENAVIDES, Circuit Judges.

PER CURIAM:\*

Texas prisoner Guadalupe Gutierrez, No. 584485, appeals the dismissal of his civil rights suit following a jury trial. Gutierrez argues that the jury's verdict is contrary to the weight of the evidence and that he should be granted a new trial

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\* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

because his trial attorney performed ineffectively. The evidence supports the jury's verdict. See Martin v. Thomas, 973 F.2d 449, 453 (5th Cir. 1992). There is no constitutional right to counsel in a civil trial. Sanchez v. United States Postal Serv., 785 F.2d 1236, 1237 (5th Cir. 1986).

AFFIRMED.