

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 95-11148  
Summary Calendar

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VICTOR WESS,

Plaintiff-Appellant,

versus

DR. REVELL, Dr.; S.O. GUNTER; COOLBERLEE, Dr.;  
MYRICK, RN; FITZGERALD, RN,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 2:95-CV-163  
- - - - -  
June 10, 1996

Before DAVIS, BARKSDALE, and DeMOSS, Circuit Judges.

PER CURIAM:\*

Regardless whether the plaintiff's "Objections to Magistrate Judge's Report and Recommendation" are construed as a FED. R. CIV. P. 59 motion or a motion to amend the complaint, the plaintiff has failed to allege a violation of 42 U.S.C. § 1983, and the magistrate judge did not abuse his discretion by dismissing the suit. See 28 U.S.C. § 636(c); Macias v. Raul A. (Unknown), Badge No. 153, 23 F.3d 94, 97 (5th Cir.), cert. denied, 115 S. Ct. 220

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\* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

(1994); Simon v. United States, 891 F.2d 1154, 1159 (5th Cir. 1990); Pan-Islamic Trade Corp. v. Exxon Corp., 632 F.2d 539, 546 (5th Cir. 1980), cert. denied, 454 U.S. 927 (1981).

AFFIRMED.