

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 95-60768  
Summary Calendar

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CRAIG ROBERTS,

Plaintiff-Appellant,

versus

EDWARD HARGETT, ET AL.,

Defendants,

CO-1 EVANS, ET AL.,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Northern District of Mississippi  
USDC No. 4:94CV38-B-D  
- - - - -

July 3, 1996

Before SMITH, BENAVIDES, and DENNIS, Circuit Judges.

PER CURIAM:\*

Craig Roberts, MSP No. 99054, appeals the district court's judgment for the defendants following a bench trial regarding Roberts' 42 U.S.C. § 1983 action alleging inadequate medical care in deliberate indifference to Roberts' serious medical needs. Roberts is mainly challenging the district court's credibility

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\* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

choices, which this court will not reweigh on appeal. See Martin v. Thomas, 973 F.2d 449, 453 n.3 (5th Cir. 1992). The district court did not clearly err in its findings and did not err in its legal conclusions. See Odom v. Frank, 3 F.3d 839, 843 (5th Cir. 1993).

Roberts has not preserved his challenge to the district court's rulings on his discovery requests because he has failed to adequately brief the issue. See Price v. Digital Equip. Corp., 846 F.2d 1026, 1028 (5th Cir. 1988).

Because Roberts did not notify the district court of his intent to call Evans as a witness, the district court did not err by not requiring Evans to appear at trial. See generally, Fed R. Civ. P. 45.

AFFIRMED.