

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-20560
Conference Calendar

EUGENIO L. RODRIGUEZ,

Plaintiff-Appellant,

versus

TEXAS DEPARTMENT OF CRIMINAL JUSTICE,
INSTITUTIONAL DIVISION; EVANS, Sgt.,

Defendants-Appellees.

- - - - -
Appeal from the United States District Court
for the Southern District of Texas
USDC No. CA H 94-2933
- - - - -

October 21, 1997

Before POLITZ, Chief Judge, and WIENER and DENNIS, Circuit Judges.

PER CURIAM:*

Eugenio L. Rodriguez, Texas prisoner # 382692, appeals the dismissal of his 42 U.S.C. § 1983 complaint, in which he alleged that he had been denied adequate medical care. Rodriguez argues that the district court erred when it entered into an agreement with the Unit Warden, without his knowledge or consent, and that

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

the court did not allow him to present evidence in support of his claims.

Allegations made at a hearing conducted pursuant to Spears v. McCotter, 766 F.2d 179 (5th Cir. 1985), supersede the allegations contained in the complaint. Riley v. Collins, 828 F.2d 306, 307 (5th Cir. 1987). Rodriguez did not raise at the Spears hearing the claims in his original complaint about the treatment he had received after his back surgery. Rodriguez instead described his inability to get medical treatment for his leg, and he stated that he was seeking only treatment for his leg. The district court granted Rodriguez the relief that he had requested. Accordingly, the district court committed no error, and its judgment is AFFIRMED.