

UNITED STATES COURT OF APPEALS  
FIFTH CIRCUIT

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No. 98-50306  
USDC No. SA-96-CV-1313

(Summary Calendar)

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DOUGLAS R. LYON,

Plaintiff-Appellant,

versus

RALPH LOPEZ, Sheriff; CORPORAL CUNNINGHAM,

Defendants-Appellees.

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Appeal from the United States District Court  
For the Western District of Texas

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February 12, 1999

Before EMILIO M. GARZA, DeMOSS, and BENAVIDES, Circuit Judges.

PER CURIAM:\*

Douglas R. Lyon, Texas prisoner # 690969, argues that the district court erred in granting the defendants' motion for summary judgment and dismissing his claims under 42 U.S.C. § 1983. Lyon argues also that the district court abused its discretion in denying his motion to continue the summary judgment proceeding to allow Lyon to conduct discovery.

We have reviewed the record, including the briefs of the parties, and we affirm the judgment granting the defendants' motion for summary judgment and dismissing Lyon's complaint substantially for the reasons adopted by the district court. *See Lyon v. Lopez*, No. SA-96-CV-1313 (W.D. Tex.

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\* Pursuant to 5<sup>TH</sup> 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5<sup>TH</sup> CIR. R. 47.5.4.

Mar. 11, 1998).

IT IS FURTHER ORDERED that appellee's motion for leave to file a response to appellant's motion for temporary restraining order is GRANTED.

IT IS FURTHER ORDERED that appellant's letter of October 5, 1998, treated as a *pro se* motion to extend time to file a reply to appellees' response to appellant's motion to temporary restraining order is GRANTED.

IT IS FURTHER ORDERED that appellant's motion for temporary restraining order/protective order is DENIED.

AFFIRMED.