

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 99-10165
Summary Calendar

JOHN MARCUS GORDY,

Plaintiff-Appellant,

versus

TOM COWAN, Etc., ET AL.,

Defendants,

AA WRECKER SERVICE, John Doe, Owner; DONNY DENMAN, also
known as John Doe, Owner of AA Wrecker Service; SHIRLEY
DENMAN, Owner of AA Wrecker Service,

Defendants-Appellees.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:94-CV-250-E

June 21, 2000

Before DAVIS, EMILIO M. GARZA and DENNIS, Circuit Judges.

PER CURIAM:*

John Marcus Gordy, Texas prisoner # 644401, appeals the district court's grant of summary judgment *sua sponte* in favor of AA Wrecker Service. Gordy contends that 1) the district court was not authorized to grant summary judgment *sua sponte*, and 2) the district court erred in granting summary judgment.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

We have reviewed the record and briefs submitted by the parties and find no error. See Washington v. Resolution Trust Corp., 68 F.3d 935, 939 (5th Cir. 1995); Babb v. Dorman, 33 F.3d 472, 476 (5th Cir. 1994); Murphy v. Collins, 26 F.3d 541, 543 (5th Cir. 1994); United States v. Thomas, 973 F.2d 1152, 1156 & n.3 (5th Cir. 1992).

AFFIRMED.