

1 Appeal from a judgment of the United States District
2 Court for the Southern District of New York (P. Kevin Castel,
3 Judge).

4 **UPON DUE CONSIDERATION IT IS HEREBY ORDERED, ADJUDGED,**
5 **AND DECREED** that the judgment of the district court be **AFFIRMED.**

6 Plaintiff-appellant Jesse Brewer, pro se, appeals from
7 a judgment entered after a jury verdict in favor of defendant-
8 appellee Andrew Jones in this suit brought under 42 U.S.C.
9 § 1983. We assume the parties' familiarity with the underlying
10 facts and procedural history of the case and the issues on
11 appeal.

12 Brewer argues on appeal that the district court erred
13 under Federal Rules of Evidence 403 and 404 in admitting evidence
14 of a previous lawsuit filed by Brewer. Specifically, Brewer
15 argues that the challenged evidence improperly suggested that
16 Brewer had litigious tendencies. We review a district court's
17 evidentiary rulings for an abuse of discretion. See *Arlio v.*
18 *Lively*, 474 F.3d 46, 51 (2d Cir. 2007). A trial judge's Rule 403
19 rulings are entitled to "considerable deference." *Constantino v.*
20 *Herzog*, 203 F.3d 164, 173 (2d Cir. 2000). "Moreover, the
21 improper admission of evidence is grounds for reversal only where
22 it affects 'a substantial right' of one of the parties." *Id.* at
23 174 (quoting Fed. R. Evid. 103(a)).

1 We see nothing in the record to suggest that the
2 challenged evidence was admitted for an improper purpose or was
3 unduly prejudicial. On the contrary, because the evidence was
4 relevant to show a possible cause of Brewer's injury unrelated to
5 the acts of the defendant, the district court correctly concluded
6 that the probative value of the evidence outweighed any
7 possibility of prejudice. Furthermore, the record reflects that
8 the defense scrupulously confined its use of the challenged
9 evidence to the purpose for which it was admitted. Evidence
10 admissible for one purpose is not rendered inadmissible by a
11 separate rule which might preclude it. *United States v. Abel*,
12 469 U.S. 45, 56 (1984).

13 We also reject Brewer's argument that the district
14 court should have issued a limiting instruction. The omission of
15 such an instruction was not an abuse of discretion because the
16 risk of prejudice to Brewer was not sufficient to require
17 mitigation. Cf. *Outley v. City of New York*, 837 F.2d 587, 595 &
18 n.6 (2d Cir. 1988).

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We have considered all of Brewer's arguments on appeal and find them to be without merit. Accordingly, the judgment of the district court is hereby **AFFIRMED**.

FOR THE COURT:
Thomas Asreen, Acting Clerk

By: _____