

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 01-60090
Summary Calendar

LARRY ROCHELL SMITH,

Plaintiff-Appellant,

versus

DON GRANT, Warden of Delta
Correctional Facility; OHAMZAH
BRIMAH, Doctor and Psychiatrist
at Delta Correctional Facility,

Defendants-Appellees.

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Appeal from the United States District Court
for the Northern District of Mississippi
USDC No. 4:99-CV-272-D-D
- - - - -

December 14, 2001

Before DAVIS, BENAVIDES and STEWART, Circuit Judges.

PER CURIAM:*

Larry Rochell Smith, Mississippi prisoner # 89754, appeals from the district court's order granting summary judgment in favor of the defendants in Smith's civil rights complaint brought pursuant to 42 U.S.C. § 1983. Smith argues that the appellees were deliberately indifferent to his serious medical needs because: 1) the Delta Correctional Facility (DCF) is not a medically adequate or proper facility in which to incarcerate him because of his mental condition; and 2) the treatment and

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

medications he received at DCF were inadequate to fully address his mental condition.

We have reviewed the record and the briefs of the parties, and we conclude that the district court committed no reversible error. Smith's allegations do not meet his burden of producing evidence showing the existence of a genuine issue for trial regarding deliberate indifference because they amount to no more than disagreement with his medical treatment, a claim not actionable under 42 U.S.C. § 1983. See Varnado v. Lynaugh, 920 F.2d 320, 321 (5th Cir. 1991). Accordingly, the district court's judgment is AFFIRMED.