

August 18, 2004

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 03-21202  
Summary Calendar

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DEXTER ARTHUR JACKSON

Plaintiff - Appellant

v.

JOE FERNAULD, WYNNE UNIT MEDICAL STAFF, PAUL M MOORE,  
DOUG DRETKE, Director, Texas Department of Criminal Justice,  
Correctional Institutions Division, UNIVERSITY OF TEXAS MEDICAL  
BRANCH, GARY MOHR, STEPHEN MARTIN, LLOYD ASCHBERGER, JENNY  
ABRAHAM, WALTER ZALENSKI, III, JOANNA ALFORD, JOHN DOE, JAMES  
WESTMORELAND, JOHN SEALY HOSPITAL

Defendants - Appellees

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. H-02-CV-609  
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Before KING, Chief Judge, and DAVIS and STEWART, Circuit Judges.

PER CURIAM:\*

Dexter Arthur Jackson, former Texas prisoner number 565215,  
filed the instant § 1983 suit to seek redress for, inter alia,  
the defendants' alleged indifference to his serious medical needs  
while he was incarcerated. Jackson argues that district court  
erred in granting the defendants' motion for summary judgment  
because they failed to treat his broken thumb properly and

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\* 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this opinion should not be published and is not precedent except  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.

promptly. Jackson's allegations amount to no more than assertions of negligence, malpractice, and failure to provide additional treatment. These allegations are insufficient to show deliberate indifference. See Domino v. Texas Dep't. of Criminal Justice, 239 F.3d 752, 755 (5th Cir. 2001); Stewart v. Murphy, 174 F. 3d 530, 534 (5th Cir. 1999); Varnado v. Lynaugh, 920 F.2d 320, 321 (5th Cir. 1991). Jackson's argument that the district court should not have granted summary judgment in the absence of affidavits is unavailing. Jackson has not shown that the district court erred in granting the defendants' motion for summary judgment and dismissing his suit.

Jackson also has not shown that the district court abused its discretion in relation to discovery. See Karaha Bodas Co., LLC. v. Perusahaan Pertambangan Minyak Dan Gas Bumi Negara, 364 F.3d 274, 304-05 (5th Cir. 2004); King v. Dogan, 31 F.3d 344, 346 (5th Cir. 1994). Jackson has not shown that he made any discovery requests that were denied, nor has he identified any particular documents that he wished to obtain through discovery.

The judgment of the lower court is AFFIRMED.