

August 19, 2004

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 04-40211
Summary Calendar

ALBERTO AGUERO,

Plaintiff-Appellant,

versus

UNIVERSITY OF TEXAS MEDICAL BRANCH,
an Entity; DOES 1 THRU 9, Jointly
and Severally, Inclusive,

Defendants-Appellees.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. G-03-CV-294

Before REAVLEY, WIENER and BENAVIDES, Circuit Judges.

PER CURIAM:*

The judgment of the district court is affirmed for the following reasons:

1. Aguero does not challenge the determination that the Eleventh Amendment bars his civil rights claims against the University of Texas.
2. As for the individual defendants, Aguero has failed to file a written report but, irrespective of that failure

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

and the justification for it, the only claim of malpractice is the failure to supply him with darker tinted eyeglasses, or to engage a different physician. He has not alleged deliberate indifference to serious medical needs. Dismissal was justified.

AFFIRMED