

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 94-40497

Summary Calendar

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CARROLL D. JONES,

Plaintiff-Appellant,

versus

O. IVAN WHITE, et al.,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Eastern District of Texas  
(5:93-CV-62)

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(October 21, 1994)

Before GARWOOD, HIGGINBOTHAM, and DAVIS, Circuit Judges.

PER CURIAM:\*

Appellant challenges the district court's dismissal of his Bivens<sup>1</sup> action, in which he alleges that prison officials' deliberate indifference to his medical needs violates the Eighth Amendment. We affirm.

The district court found, and we agree, that appellant is

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\*Local Rule 47.5 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that Rule, the Court has determined that this opinion should not be published.

<sup>1</sup> Bivens v. Six Unknown Named Agents of the Federal Bureau of Narcotics, 403 U.S. 388 (1971).

suing appellees solely because they employed or supervised medical personnel who allegedly committed torts. Respondeat superior liability is not available in Bivens actions. See, e.g., Abate v. Southern Pac. Trans. Co., 993 F.2d 107, 110 (5th Cir. 1993).

We also reject appellant's contention that the district court erred in staying discovery. Appellees claimed qualified immunity, and stays of discovery pending review of immunity questions are proper. See, e.g., Williamson v. U.S. Dep't of Agriculture, 815 F.2d 368 (5th Cir. 1987).

Lastly, we refuse to consider appellant's claim that the allegedly inadequate medical treatment violated his right to procedural due process. The claim was not raised below.

AFFIRMED.