

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-10768
Conference Calendar

BILLY EUGENE JOHNSON,

Plaintiff-Appellant,

versus

STEWART, Detention Officer; JACKSON,
Deputy Cty Sheriff; JIM BOWLES, Sheriff
of Dallas County; MEDICAL STAFF,

Defendants-Appellees.

- - - - -
Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:95-CV-1041-R

- - - - -
December 20, 1995

Before DAVIS, STEWART, and PARKER, Circuit Judges.

PER CURIAM:*

Texas prisoner Billy Eugene Johnson's allegations of misdiagnosis and lack of appreciation of a medical condition do not rise to the level of a constitutional violation. Farmer v. Brennan, 114 S. Ct. 1970, 1977-78 (1994); Mendoza v. Lynaugh, 989 F.2d 191, 195 (5th Cir. 1993); Varnado v. Lynaugh, 920 F.2d 320, 321 (5th Cir. 1991). The district court did not abuse its discretion in dismissing the action as frivolous. Eason v. Thaler, 14 F.3d 8, 9 (5th Cir. 1994).

AFFIRMED.

* Local Rule 47.5.1 provides: "The publication of opinions that 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 Pursuant to that Rule, the court has determined that this opinion should not be published.