

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 95-11228  
Conference Calendar

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MARION HOUSTON,

Plaintiff-Appellant,

versus

K. RATNARAJAH, Dr., TDCJ Clements Unit;  
RICHARDSON, Nurse, TDCJ Clements Unit,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 2:95-CV-179  
- - - - -

April 16, 1996

Before DUHÉ, DeMOSS, and DENNIS, Circuit Judges.

PER CURIAM:\*

Marion Houston appeals the dismissal of his civil rights complaint concerning his medical care as frivolous. He argues that his allegations rise to the level of a 42 U.S.C. § 1983 claim and that the physician testifying at the Spears\*\* hearing went beyond his role of explaining Houston's medical records and the significance of the entries. We have carefully reviewed the

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Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

Spears v. McCotter, 766 F.2d 179 (5th Cir. 1985).

record and Houston's arguments.\*\*\* Any improper testimony of the physician had no effect on the district court's dismissal. For essentially the same reasons as explained in the magistrate judge's report, we conclude that the district court did not abuse its discretion in dismissing Houston's complaint as frivolous.

AFFIRMED.

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Houston does not argue on appeal that his work assignment was improper as he did in the district court. That issue is abandoned. See Eason v. Thaler, 14 F.3d 8, 9 n.1 (5th Cir. 1994).