

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-11336
Conference Calendar

ROBERT EUGENE KRAMER,

Plaintiff-Appellant,

versus

RONALD DREWRY, Senior Warden, et al.,

Defendants,

CLYDE HARGROVE, Captain; VIRGINIA L.
COLE, Nurse,

Defendants-Appellees.

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Appeal from the United States District Court
for the Northern District of Texas
USDC No. 1:95-CV-18-BA
- - - - -

August 15, 1997

Before KING, HIGGINBOTHAM, and DUHÉ, Circuit Judges.

PER CURIAM:*

Robert Eugene Kramer, Texas prisoner #643733, appeals the magistrate judge's grant of summary judgment as to appellees Clyde Hargrove and Virginia L. Cole. Kramer argues that Cole was deliberately indifferent to his serious medical needs when she refused to excuse him from work. Kramer further argues that

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Hargrove violated his due process rights when he refused to consider Kramer's entire medical file in upholding the disciplinary report Kramer received for refusing to report to work.

We have reviewed the record and the parties' submissions and AFFIRM the magistrate judge's dismissal for essentially the same reasons set forth by the magistrate judge. Kramer v. Drewry, No. 1:95-CV-18-BA (Sept. 24, 1996).

To the extent that Kramer seeks the appointment of appellate counsel, that request is DENIED. Ulmer v. Chancellor, 691 F.2d 209, 212-13 (5th Cir. 1982).

AFFIRMED.