

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-11542
Summary Calendar

JERRY C. SMITH,

Plaintiff-Appellant,

versus

FRANK POHLMEIER, Captain;
JOHN SIMMS, Dr.; ARYN HALE,

Defendants-Appellees.

- - - - -
Appeal from the United States District Court
for the Northern District of Texas
USDC No. 2:95-CV-317
- - - - -

November 19, 1997

Before KING, HIGGINBOTHAM, and DAVIS, Circuit Judges.

PER CURIAM:*

Jerry C. Smith, Texas prisoner #620930, appeals the dismissal of his 42 U.S.C. § 1983 complaint for failure to state a claim upon which relief can be granted and frivolousness. Smith argues that the defendants used excessive force and forcefully medicated him with a drug to which he is allergic.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

We have reviewed the record and Smith's brief and AFFIRM the district court's dismissal for essentially the same reasons adopted by the district court. Smith v. Pohlmeier, No. 2:95-CV-317 (N.D. Tex. Nov. 27, 1996).

AFFIRMED.