

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-20340
Conference Calendar

EARNEST RAY LENFORD,

Plaintiff-Appellant,

versus

JAMES A. COLLINS ET AL,

Defendant-Appellee.

- - - - -
Appeal from the United States District Court
for the Southern District of Texas
USDC No. CA H 94-171
- - - - -

December 11, 1996

Before WIENER, BARKSDALE, and BENAVIDES, Circuit Judges.

PER CURIAM:*

Earnest Ray Lenford appeals the dismissal of his 42 U.S.C. § 1983 action as frivolous. Lenford's petition alleges mere negligence on the part of prison officials, not deliberate indifference to his serious medical needs. Mere negligence, neglect, or medical malpractice do not give rise to a § 1983 cause of action. Varnado v. Lynaugh, 920 F.2d 320, 321 (5th Cir. 1991). The district court did not err in dismissing Lenford's suit. This appeal is frivolous.

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

APPEAL DISMISSED. See 5th Cir. R. 42.2.