

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-10711
Summary Calendar

DARRELL RUSSELL,

Plaintiff-Appellant,

versus

GARY L. JOHNSON, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL
JUSTICE, INSTITUTIONAL DIVISION; R. D. MCLEOD; WILLIAM
SWART; LIEUTENANT WICKERSHAM; CAPTAIN E. HAMPTON,

Defendants-Appellees.

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Appeal from the United States District Court
for the Northern District of Texas
USDC No. 2:97-CV-90
- - - - -

December 23, 1997

Before JOLLY, JONES, and SMITH, Circuit Judges.

PER CURIAM:*

Darrell Russell, Texas prisoner # 674336, appeals the district court's dismissal of his civil rights complaint as frivolous and for failure to state a claim under 28 U.S.C. § 1915A(b). Russell argues that he suffered from a bad back and that a prison doctor acted with deliberate indifference to that condition in changing Russell's work restrictions so that he was eligible for assignment to field work. He argues that the other

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

defendants exhibited deliberate indifference to his serious medical needs by assigning him to work in accordance with the doctor's restrictions.

We have thoroughly reviewed the record and Russell's arguments and AFFIRM the dismissal of Russell's complaint essentially for the reasons stated by the district court in Russell v. Johnson, No. 2:97-CV-0090 (N.D. Tex. May 30, 1997).

AFFIRMED.