

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-40623
Conference Calendar

STEPHEN EDWARD DUNN,

Plaintiff-Appellant,

versus

A. LARSONS, Doctor, Gurney Unit;
D. FORTNER, PA, Gurney Unit;
CHARLES O'REILLY, Warden, Gurney Unit;
B. CHANEY, Assistant Warden, Gurney Unit,

Defendants-Appellees.

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Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 6:96-CV-911
- - - - -

June 16, 1998

Before DAVIS, PARKER, and DENNIS, Circuit Judges.

PER CURIAM:*

Stephen Edward Dunn, # 659973, appeals the district court's dismissal of his 42 U.S.C. § 1983 action as frivolous pursuant to 28 U.S.C. § 1915. Dunn's motion for appointment of counsel is DENIED. His motion to substitute his brief is GRANTED. Dunn argues that Dr. Larson and Mr. Fortner were deliberately indifferent to his serious medical needs. The district court did

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

not abuse its discretion in dismissing Dunn's claim of deliberate indifference as frivolous. Dunn alleged no more than a disagreement with his medical treatment. Varnado v. Lynaugh, 920 F.2d 320, 321 (5th Cir. 1991); Siglar v. Hightower, 112 F.3d 191, 193 (5th Cir. 1997). We AFFIRM the dismissal of this claim.

Dunn makes no argument on appeal regarding his eyeglasses or the dismissal of Wardens O'Reilly and Chaney, and these claims are considered abandoned. See Yohey v. Collins, 985 F.2d 222, 225 (5th Cir. 1993).

AFFIRMED; MOTION TO SUBSTITUTE BRIEF GRANTED; MOTION FOR APPOINTMENT OF COUNSEL DENIED.