

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-41460
Summary Calendar

OTIS RAY LEE,

Plaintiff-Appellant,

versus

MICHAEL WARREN ET AL.,

Defendants-Appellees.

- - - - -
Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 1:96-CV-758
- - - - -

July 16, 1998

Before KING, HIGGINBOTHAM and DAVIS, Circuit Judges.

PER CURIAM:*

Otis Ray Lee, #560033, filed a pro se, in forma pauperis civil rights action against Dr. Michael Warren, Dr. Owen J. Murray, Dr. Russell McDonald, and Dr. Jason Calhoun. He alleged that the defendants were deliberately indifferent to his serious medical needs. The district court, after conducting a Spears v. McCotter** hearing, dismissed the complaint as frivolous and for failure to state a claim, pursuant to 28 U.S.C. § 1915

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in TH CIR. R. 47.5.4.

** 766 F.2d 179 (5th Cir. 1985).

(e)(2)(B)(i) and (e)(2)(B)(ii). We have reviewed the record and Lee's brief on appeal and perceive no error by the magistrate judge. Lee v. Warren et al., No. 1:96-CV-758 (E.D. Tex. Sept. 25, 1997).

The appeal is without arguable merit and thus frivolous. The appeal is DISMISSED. See 5th Cir. R. 42.2.

APPEAL DISMISSED.