

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-60184
Conference Calendar

WALTER DEARMAN,

Plaintiff-Appellant,

versus

JOHN DIAL, Dr., ET AL.,

Defendants-Appellees.

- - - - -
Appeal from the United States District Court
for the Northern District of Mississippi
USDC No. 4:96-CV-94-S-B
- - - - -

February 10, 1998

Before SMITH, EMILIO M. GARZA, and DeMOSS, Circuit Judges.

PER CURIAM:*

Walter Dearman, Mississippi inmate #13360, appeals the court's grant of summary judgment for the served defendants and the dismissal of unserved defendant, Dr. Wright, for failure to state a claim for which relief can be granted.

Dearman argues that judgment was improvident in light of the limited discovery permitted by the district court; his medical records demonstrate summary judgment was erroneously granted; he stated a claim against Dr. Wright; he was prejudiced by defense counsel's misrepresentation that counsel would accept service for

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

all of the defendants; and the procedural irregularities and lack of liberal construction to his pleadings deprived him of due process. We have independently reviewed the record, the medical evidence, and the appellate arguments. We conclude that the district court did not err in granting summary judgment or dismissing the suit against the unserved defendant. See Lowrey v. Texas A & M Univ. Sys., 117 F.3d 242, 247 (5th Cir. 1997); Little v. Liquid Air Corp., 37 F.3d 1069, 1075 (5th Cir. 1994) (en banc).

AFFIRMED.