

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 02-10491
Summary Calendar

ADRIAN GUTIERREZ MARTINEZ,

Plaintiff-Appellant,

versus

SANFORD LEHER, M.D. ;
T. PENLAND, PH.D. ,

Defendants-Appellees.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 1:01-CV-26

September 17, 2002

Before BARKSDALE, DeMOSS, and BENAVIDES, Circuit Judges.

PER CURIAM:*

Adrian Gutierrez Martinez, Texas prisoner number 562996, appeals the magistrate judge's dismissal of his 42 U.S.C. § 1983 complaint as frivolous pursuant to 28 U.S.C. § 1915(e)(2)(B)(i). He argues that the defendants acted with deliberate indifference to his serious mental health needs by failing to provide him with adequate treatment. He also moves this court for the appointment of counsel. His motion for appointment of counsel is DENIED.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Martinez has not shown a violation of his constitutional rights. See Domino v. Texas Department of Criminal Justice, 239 F.3d 752, 755 (5th Cir. 2001). Accordingly, he has not shown that the magistrate judge abused her discretion in dismissing his complaint as frivolous. See Harper v. Showers, 174 F.3d 716, 718 & n.3 (5th Cir. 1999); Siqlar v. Hightower, 112 F.3d 191, 193 (5th Cir. 1997). The judgment of the magistrate judge is AFFIRMED.