

FILED

January 20, 2006

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 04-41237
Summary Calendar

GERALD ALLEN PERRY,

Petitioner-Appellant,

versus

REGINALDO STANLEY; CLOVIS GILBERT;
LOWRY POWERS; JONATHAN PLEASANT,

Respondents-Appellees.

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 5:01-CV-166-DF-CMC

Before HIGGINBOTHAM, BENAVIDES, and DENNIS, Circuit Judges.

PER CURIAM:*

In this action brought under 42 U.S.C. § 1983, Gerald Perry, Texas prisoner # 644896, appeals summary judgment in favor of the defendants. Perry contends that the defendants violated his Eighth Amendment rights by delaying treatment of his hand, which he broke in a fight.

Unsuccessful medical treatment, acts of negligence, medical malpractice, or a prisoner's disagreement with prison officials regarding medical treatment are insufficient to establish an unconstitutional denial of medical care. Norton v. Dimazana, 122

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

F.3d 286, 292 (5th Cir. 1997). The uncontested summary judgment evidence shows that Perry received extensive care for his injury. Perry's allegations, arguments, and summary-judgment evidence point only to a difference of opinion as to the proper course of treatment. Perry has failed to show there is any genuine issue of fact material to whether any person acted with deliberate indifference to his health problem. The judgment of the district court is

AFFIRMED.