

FILED

November 15, 2006

Charles R. Fulbruge III
Clerk

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

No. 05-20168
Summary Calendar

FERNANDO VALERA, also known as Eduardo Torres,

Plaintiff-Appellant,

versus

TOMMY B. THOMAS, Sheriff; ET AL,

Defendants,

TOMMY B. THOMAS, Sheriff,

Defendants-

Appellees.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:02-CV-4916

Before DeMOSS, STEWART and PRADO, Circuit Judges.

PER CURIAM:*

Fernando Valera, Texas prisoner # 894333, appeals from the district court's summary judgment dismissing on the merits his 42 U.S.C. § 1983 complaint alleging deliberate indifference to

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

his serious medical needs. Valera challenges only the district court's legal conclusions. He does not dispute the district court's statement of facts gleaned from his medical records and from the *Spears*** hearing.

The evidence relied on by the district court supports the district court's conclusion that Valera has not shown that the defendants were deliberately indifferent to his serious medical needs. *See Wagner v. Bay City, Tex.*, 227 F.3d 316, 324 (5th Cir. 2000); *Varnado v. Lynaugh*, 920 F.2d 320, 321 (5th Cir. 1991). The evidence also supports the district court's conclusion that Valera's constitutional rights were not violated by the Harris County Jail's policy of confiscating prescription medication upon intake, *see Meadowbriar Home For Children, Inc. v. Gunn*, 81 F.3d 521, 532-33 (5th Cir. 1996), and that Valera suffered no injury or loss of vision between the time his eye drops were confiscated and the time he was examined by physicians at the jail. Accordingly, the district court's judgment is AFFIRMED.

** *Spears v. McCotter*, 766 F.2d 179 (5th Cir. 1985).