

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-40688
Conference Calendar

DOUGLAS JAMES DURHAM,

Plaintiff-Appellant,

versus

JAMES A. COLLINS, Director;
JANIE M. COCKRELL, Warden; CARL D. WHITE,
Assistant Warden Beto I Unit; UNIDENTIFIED NOONAN,
Classification at Beto I Unit; R. HANIE, Health
Administrator at Beto I Unit; RITA R. PARSON, Health
Administrator at Beto I Unit; KEN KUYKENDALL, Dr. at
Beto I Unit; RICHARD K. THOMPSON, Captain at Beto I Unit,

Defendants-Appellees.

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Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 6:94-CV-870
- - - - -

December 19, 1995

Before DAVIS, STEWART, and PARKER, Circuit Judges.

PER CURIAM:*

Douglas J. Durham, a prisoner in the Beto I unit of the Texas Department of Criminal Justice - Institutional Division (TDCJ-ID), alleged that prison officials were deliberately indifferent to his serious medical needs by not providing shower

* Local Rule 47.5.1 provides: "The publication of opinions that merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that Rule, the court has determined that this opinion should not be published.

facilities for handicapped inmates in all areas of the prison. This complaint does not rise to the level of a constitutional violation. Farmer v. Brennan, 114 S. Ct. 1970, 1977-78 (1994); Varnado v. Lynaugh, 920 F.2d 320, 321 (5th Cir. 1991). The district court did not abuse its discretion in dismissing the action as frivolous. Denton v. Hernandez, 504 U.S. 25, 31-33 (1992).

As Durham has presented no legal points arguable on their merits, his appeal is frivolous. See Howard v. King, 707 F.2d 215, 220 (5th Cir. 1983). We caution Durham that any additional frivolous appeals filed by him or on his behalf will invite the imposition of sanctions. To avoid sanctions, Durham is further cautioned to review any pending appeals to ensure that they do not raise arguments that are frivolous. Because this appeal is frivolous, it is DISMISSED. See 5th Cir. Rule 42.2.