

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

---

No. 95-40696  
Summary Calendar

---

GEORGE FRACIS VERTZ,

Plaintiff-Appellant,

versus

MICHAEL WARREN, Dr.; J. DAVID  
FAGAN, Dr.; DANIEL SALTZSTEN, Dr.;  
JOHN SEALY HOSPITAL,

Defendants-Appellees.

---

Appeal from the United States District Court  
For the Southern District of Texas  
(G-91-CV-320)

---

December 1, 1995

Before POLITZ, Chief Judge, JOLLY and DeMOSS, Circuit Judges.

PER CURIAM:\*

George Fracis Vertz appeals the district court's 28 U.S.C. § 1915(d) dismissal of his civil rights suit. Vertz alleged that he underwent surgery to correct a preoperative condition, that the surgery was unsuccessful, that he now suffers from additional postoperative complications, and that the defendants refused to provide available, corrective surgery. Vertz alleged that during the surgery the defendants deliberately performed an

---

\*Local rule 47.5 provides: "The publication of opinions that have no precedential value and 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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

experimental procedure without his consent. Vertz also alleged that the magistrate judge recommended dismissal of his 28 U.S.C. § 1983 action in retaliation for his filing a petition for writ of mandamus.

We have reviewed the record and the district court's opinion and find no reversible error. Accordingly, we affirm the district court's dismissal of Vertz's section 1983 action as frivolous under section 1915(d). Vertz's request for appointment of counsel is DENIED.

AFFIRMED.