

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-10994
Summary Calendar

MORGAN S. GILMER,

Plaintiff-Appellant,

versus

JACQUES I. KIERE, ET AL.,

Defendants,

JACQUES I. KIERE; JOHN DOE,

Defendants-Appellees.

- - - - -
Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:94-CV-2710-G
- - - - -

May 1, 1997

Before GARWOOD, DeMOSS and STEWART, Circuit Judges.

PER CURIAM:*

Morgan S. Gilmer, Texas prisoner # 666666, appeals the dismissal of his civil rights action against Jacques I. Kiere, the Sheriff of Rockwall County, and John Doe, the jail captain responsible for the health and safety of the prisoners, pursuant

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

to Fed. R. Civ. P. 12(b)(6). We liberally construe Gilmer's pro se brief as arguing that the district court erred in dismissing the case for failure to state an Eighth Amendment violation, requiring Gilmer to meet the heightened pleading requirements in responding to the defendants' assertion of qualified immunity, denying his motion to amend his complaint, and denying leave to proceed in forma pauperis on appeal on grounds of frivolousness. We have reviewed Gilmer's brief and the record and conclude that the judgment of the district court should be AFFIRMED. Gilmer v. Kiere, No. 3:94-CV-2710-G (N.D. Tex. Jun. 6, 1995).

AFFIRMED.