

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

---

No. 96-40463  
Conference Calendar

---

MILTON CHARLES SMITH,

Plaintiff-Appellant,

versus

PHIL GOODWIN, Jail Administrator,  
Cherokee County Jail;  
KELVIN WALKER, Officer,  
Cherokee County Jail,

Defendants-Appellees.

- - - - -  
Appeal from the United States District Court  
for the Eastern District of Texas  
USDC No. 6:95-CV-889  
- - - - -

October 23, 1996

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

PER CURIAM:\*

Milton Charles Smith, Texas prisoner # 618722, appeals the dismissal as frivolous of his civil rights complaint pursuant to 28 U.S.C. § 1915(d), the relevant portion of which has been redesignated as § 1915(e)(2)(B)(i) by § 804 of the Prison Litigation Reform Act, Pub. L. No. 104-134, 110 Stat. 1321

---

\* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

(1996). Smith argues generally that the dismissal of his denial-of-medical-care claim was in error. We have reviewed the record and Smith's brief and AFFIRM the dismissal for essentially the same reasons set forth by the magistrate judge. Smith v. Goodwin et al., No. 6:95cv889 (E.D. Tex. May 6, 1996). AFFIRMED.