

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-10207
Conference Calendar

TONY RAY CALVIN,

Plaintiff-Appellant,

versus

SWISHER COUNTY DETENTION CENTER;
ADMINISTRATION & STAFF OF
SWISHER COUNTY DETENTION CENTER;
T. J. MEDART, Warden of Swisher
County Detention Center,

Defendants-Appellees.

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Appeal from the United States District Court
for the Northern District of Texas
USDC No. 2:95-CV-86
- - - - -

August 15, 1997

Before KING, HIGGINBOTHAM, and DUHÉ, Circuit Judges.

PER CURIAM:*

Tony Ray Calvin (TDCJ # 670672) appeals the district court's dismissal of his civil rights complaint for failure to state a claim under 28 U.S.C. § 1915(e)(2)(B)(ii). Calvin alleged that he was denied adequate medical care after he slipped in an unsafe shower at the Tulia Swisher County Detention Center.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

The district court correctly determined that Calvin's complaint failed to state a claim under the Eighth Amendment. See Calvin v. Swisher County Detention Center, No. 2:95-CV-0086 (N.D. Tex.; Feb. 7, 1997). In addition, we note that Calvin's complaint fails to state a claim under the Fourteenth Amendment. See Hare v. City of Corinth, Miss., 74 F.3d 633, 639 (5th Cir. 1996)(en banc). Accordingly, we AFFIRM the district court's dismissal of the complaint.

AFFIRMED.