

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 98-40259  
Conference Calendar

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KEITH THOMAS,

Plaintiff-Appellant,

versus

ESEA D. EDE ET AL.,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Eastern District of Texas  
USDC No. 1:96-CV-247  
- - - - -

August 18, 1998

Before KING, HIGGINBOTHAM, and JONES, Circuit Judges.

PER CURIAM:\*

Keith Thomas, #624254, filed a pro se, in forma pauperis civil rights action against James A. Collins, Executive Director of the Texas Department of Criminal Justice, Institutional Division; Dr. Michael Warren, the Division Director for Health Services; and Drs. Russell McDonald and Esea Ede, unit physicians at the Stiles Unit, alleging that they were deliberately indifferent to his serious medical needs. The district court, after conducting a Spears v. McCotter\*\* hearing, dismissed the

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

\*\* 766 F.2d 179 (5th Cir. 1985).

complaint as frivolous and for failure to state a claim, pursuant to 28 U.S.C. § 1915(e)(2)(B)(i) and (e)(2)(B)(ii). We have reviewed the record and Thomas' brief on appeal and perceive no reversible error by district court. Thomas v. Ede, No. 1:96-CV-247 (E.D. Tex. Jan. 8, 1998).

Even if Thomas' skin disease is considered a serious medical condition, his written pleadings and testimony at the Spears hearing show no more than a disagreement with the treating physicians concerning diagnosis and treatment. These allegations do not plead a violation of the Eighth Amendment. Varnado v. Lynaugh, 920 F.2d 320, 321 (5th Cir. 1991).

AFFIRMED.