

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 98-40375
Conference Calendar

JOE HENRY MACK,

Plaintiff-Appellant,

versus

GARY MOHR, Building Major, DAVID
DOUGHTY; HARRIS, Officer; NEWCOST,
Officer, BENNETT, Officer, MACK,
Officer,

Defendants-Appellees.

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Appeal from the United States District Court
for the Southern District of Texas
USDC No. G-95-CV-393
- - - - -
February 9, 1999

Before BARKSDALE and EMILIO M. GARZA, Circuit Judges.*

PER CURIAM:**

Joe Henry Mack, Texas prisoner # 671331, appeals the district court's dismissal of his civil rights suit as frivolous. 28 U.S.C. § 1915(e)(2)(B)(i). He argues that the dismissal of his suit under § 1915(e)(2)(b)(i) was premature, that he suffered from denial of library access in violation of the Eighth

*This matter is being decided by a quorum. 28 U.S.C. § 46(d).

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Amendment, and that the Defendants were deliberately indifference to his serious medical needs in delivering medical care and in making job assignments. The district court did not abuse its discretion in dismissing Mack's suit as frivolous. Mack's appeal is without arguable merit and is therefore frivolous. See *Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983). It is DISMISSED.

See 5TH CIR. R. 42.2.

APPEAL DISMISSED.