

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 00-30486
Conference Calendar

BOBBY RAY PICKETT,

Plaintiff-Appellant,

versus

MICKEY L. HUBERT, In his official capacity;
GRAMS, Lieutenant, Individually and in his
official capacity; KATHY COLE, Individually
and in her official capacity,

Defendants-Appellees.

Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 99-CV-463

December 13, 2000

Before DAVIS, STEWART, and PARKER, Circuit Judges.

PER CURIAM:*

Bobby Ray Pickett, Louisiana prisoner # 234122, appeals the dismissal of his civil rights action under 42 U.S.C. § 1983 against Warden Mickey L. Hubert, Medical Director Kathy Cole, and Lieutenant Cecile Graham. The district court granted summary judgment in favor of the defendants on Pickett's claim of deliberate indifference to his serious medical needs.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Pickett's complaint is that he is not receiving Intron injection treatments for his liver disease caused by Hepatitis C. Pickett does not allege that his liver condition has been ignored. He states in his brief that he had a liver biopsy in April of this year. Contrary to Pickett's position, the allegation that he has not received a specific treatment for his liver disease is a disagreement with the care given, not deliberate indifference. See Johnson v. Treen, 759 F.2d 1236, 1238 (5th Cir. 1985). Pickett has failed to raise a genuine issue of material fact, and the district court did not err in granting summary judgment. Fed. R. Civ. P. 56(c); Little v. Liquid Air Corp., 37 F.3d 1069, 1075-76 (5th Cir. 1994) (en banc).

Pickett argues that the district court erred in denying his motion for a temporary restraining order or preliminary injunction. This issue is moot as final judgment denying permanent injunctive relief has been rendered. See Louisiana World Exposition, Inc. v. Logue, 746 F. 2d 1033, 1038 (5th Cir. 1984)(judgment on permanent injunction renders preliminary injunction moot).

Pickett has not shown exceptional circumstances requiring the appointment of an attorney. Ulmer v. Chancellor, 691 F.2d 209, 212 (5th Cir. 1982). His motion for appointment of counsel is DENIED.

AFFIRMED; MOTION DENIED.