

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 01-41004  
Summary Calendar

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CARY O. SMITH, JR.,

Plaintiff-Appellant,

versus

R. O. ALEXANDER; D. OLIPHANT; KENT  
RAMSEY; JAMES FOXWORTH; ROY MOTT,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Eastern District of Texas  
USDC No. 9:98-CV-168  
- - - - -

May 21, 2002

Before DeMOSS, PARKER, and DENNIS, Circuit Judges.

PER CURIAM:\*

Cary O. Smith, Jr., Texas prisoner # 732505, appeals the district court's grant of summary judgment to the appellees in this 42 U.S.C. § 1983 action. Smith alleges that the appellees violated his Eighth Amendment rights by assigning and allowing him to work at a kitchen job which exceeded his medical work restrictions. While working at this job, Smith dislocated his shoulder on December 18, 1997, and later underwent surgery which he attributes to this incident. Smith contends that the change in his job

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

assignment to work in the kitchen interfered with the medical department's treatment of him because it had previously recommended that he be assigned to sidewalk duty.

Smith has not specified how any of the tasks he was required to perform in the kitchen exceeded his medical work restrictions. He has not shown that the appellees actually knew that he faced a substantial risk of serious harm and, therefore, he has not established deliberate indifference. See Farmer v. Brennan, 511 U.S. 825, 847 (1994); Reeves v. Collins, 27 F.3d 174, 176-77 (5th Cir. 1994). To the extent that Smith raises additional "issues of error," he has abandoned these arguments by failing to adequately brief them. See Yohey v. Collins, 985 F.2d 222, 224-25 (5th Cir. 1993).

AFFIRMED.