

August 15, 2003

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 02-51412  
Summary Calendar

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CORNELIUS RAY SEPHUS,

Plaintiff-Appellant,

versus

HATTIE WHITFIELD; REGINALD SMITH, M.D.; FAFANEL OLIVER,  
Lieutenant; ALBERTO DIAZ, Sergeant; ANGELA RODRIGUEZ, Nurse;  
V. FIVAS; JANET WHITE; R. MALAER; M. MYERS; E. CORROLL; TERESA  
SIMONS; Z. Z. VACANT, Nurse; MONA MARTINEZ; SHIRLEY PFEIL,  
Licensed Vocational Nurse; MARTHA BYRD; PEGGY GOHLKE; JOSEPH  
GILL; DEBRA GLOOR; JOYCE COMFORT; D. A. RUBY; DOMINGO  
CARRILLO, Major; LAURIE STEELE,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. SA-02-CV-450-JWP  
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Before HIGGINBOTHAM, SMITH, and BARKSDALE, Circuit Judges.

PER CURIAM:\*

Cornelius Ray Sephus, Texas prisoner #635586, appeals from the magistrate judge's grant of summary judgment for the defendants in his civil-rights lawsuit, filed pursuant to 42 U.S.C. § 1983. This court reviews a grant of summary judgment de novo, using the same standard applicable in the district

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

court. See Melton v. Teachers Ins. & Annuity Ass'n of America, 114 F.3d 557, 559 (5th Cir. 1997).

Sephus argues that the magistrate judge failed to consider his submitted exhibits and that those exhibits presented a genuine issue as to whether the defendants were deliberately indifferent to his medical needs. Examination of the magistrate judge's judgment clearly indicates that Sephus's exhibits were considered and that no genuine issue as to any material fact existed regarding Sephus's claims. See FED. R. CIV. P. 56(c). At most, the evidence in the record alleged negligence by the defendants, which is not actionable. See Varnado v. Lynaugh, 920 F.2d 320, 321 (5th Cir. 1991).

Accordingly, the magistrate judge's judgment is AFFIRMED. All outstanding motions are DENIED.

AFFIRMED; OUTSTANDING MOTIONS DENIED.