

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

United States Court of Appeals  
Fifth Circuit

**FILED**

October 30, 2007

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No. 06-10517  
Summary Calendar

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Charles R. Fulbruge III  
Clerk

MARTIN MILTON MILLER, JR

Plaintiff-Appellant

v.

ALEXANDER M KALMANOV, Medical Doctor; DAVID POTTER, D.O.;  
JOHN E WILSON, P.A.

Defendants-Appellees

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 7:04-CV-159

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Before HIGGINBOTHAM, STEWART and OWEN, Circuit Judges.

PER CURIAM:\*

Martin Milton Miller, Jr., Texas prisoner # 634502, appeals from the district court's grant of the defendants' motion for summary judgment and the dismissal of his pro se, in forma pauperis (IFP), 42 U.S.C. § 1983 complaint. We review de novo the district court's grant of summary judgment. See *Cousin v. Small*, 325 F.3d 627, 637 (5th Cir. 2003).

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Miller asserts that, for a period of five years, defendants Kalmanov and Wilson exercised deliberate indifference to the treatment of his hemorrhoid condition. The record reflects that Miller was treated for his hemorrhoids, including two separate visits with specialists. Miller's complaints regarding his treatment constitute disagreement with the method of treatment that was provided and are non-actionable under the Eighth Amendment. See *Varnardo v. Lynaugh*, 920 F.2d 320, 321 (5th Cir. 1991).

Miller also asserts that the defendants lied about his medical condition to retaliate against Miller for filing grievances concerning the method of treatment that he was receiving. He contends that Wilson and Kalmanov engaged in retaliatory practices by consistently prescribing hydrocortisone cream although it caused Miller burning pain. Miller has not alleged "a chronology of events from which retaliation may plausibly be inferred." See *Tighe v. Wall*, 100 F.3d 41, 42 (5th Cir. 1996). He has not shown that but for a retaliatory motive, the defendants would not have prescribed hydrocortisone cream to treat his hemorrhoid condition. See *id.* The district court did not err in granting the defendants' motion for summary judgment. See *Cousin*, 325 F.3d at 637.

Miller has abandoned his conspiracy and deliberate indifference claims against defendant Potter. See *Yohey v. Collins*, 985 F.2d 222, 224-25 (5th Cir. 1993). Accordingly, the judgment of the district court is AFFIRMED.