

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

October 28, 2009

No. 08-60332
Summary Calendar

Charles R. Fulbruge III
Clerk

WILLIE ALTON MAGEE,

Plaintiff - Appellant

v.

DUANE DILLON, Sheriff,

Defendant - Appellee

Appeal from the United States District Court
for the Southern District of Mississippi
USDC No. 2:03-CV-18

Before REAVLEY, JOLLY, and OWEN, Circuit Judges.

PER CURIAM:*

The judgment of the district court is affirmed for the following reasons:

The plaintiff, Willie McGee, endured a beating by other inmates on March 23, 2003. He has no doubt suffered as a result. But his complaint has received considerable medical attention and extensive judicial effort also. Upon the finding and conclusions of the magistrate after a hearing on April 13, 2005, the judge dismissed the claims against five defendants and proceeded with the claim

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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of intentional indifference to plaintiff's medical needs against Sheriff Duane Dillon.

The claim against Sheriff Dillon went to a two day trial in February 2008, followed by an adverse recommendation and then judgment dated March 28, 2008. The judgment that plaintiff suffered no constitutional deprivation because neither Sheriff Dillon nor Walthall County were deliberately indifferent to his medical needs is supported by the evidence. After his injury, a nurse saw him the following day, and then the next day he was taken to the hospital to see a doctor. In two more days he had surgery. Treatment and medication followed. There is no evidence of conscious indifference.

AFFIRMED.