

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

United States Court of Appeals
Fifth Circuit

FILED

December 18, 2009

No. 08-61117
Summary Calendar

Charles R. Fulbruge III
Clerk

EDDIE SHORTY,

Plaintiff - Appellant

v.

KENTRELL LIDDELL, Medical Director, Individually and in his official capacity; THOMAS LEHMAN, Medical Director, Individually and in His Official Capacity,

Defendants - Appellees

Appeal from the United States District Court
for the Northern District of Mississippi
USDC No. 4:07-CV-207

Before GARZA, CLEMENT, and OWEN, Circuit Judges.

PER CURIAM:*

Eddie Shorty, *pro se*, appeals the district court's dismissal of his § 1983 deliberate indifference claim against Dr. Kentrell Liddell and an un-named nurse, and the court's grant of summary judgment in favor of Dr. Thomas Lehman. Shorty complains that he suffers from headaches, dizziness, weakness, nausea, and vomiting. He alleged that medical personnel at his correctional

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

facility did not provide adequate treatment for these problems, and that their failure to do so constituted deliberate indifference to his serious medical needs in violation of his rights under the Eighth Amendment.

Shorty's medical records show that he has a history of psychiatric problems in addition to the chronic symptoms from which he suffers, and that the symptoms pre-date his incarceration. The records also show that since his incarceration in 1999, he has been treated more than fifty times for his health complaints. Prison doctors prescribed numerous medications, which Shorty has not always been compliant in taking. Prison doctors also gave Shorty several diagnostic tests, including a brain scan. The etiology of Shorty's symptoms is unknown and may be related to his psychiatric problems; a prescription for an anti-depressant appears to have lessened, at least for a time, his chronic headaches.

The district court concluded that the undisputed facts showed that Shorty did not have a cognizable deliberate indifference claim. It granted summary judgment in favor of Dr. Lehman, who had treated Shorty, and dismissed the claims against Dr. Liddell, who was not alleged to have had any personal involvement in Shorty's treatment. The court also dismissed, for failure to state a claim, Shorty's allegations against the nurse who dispenses his medication but who was not named in the complaint.

We affirm for the reasons stated by the district court in its well-reasoned and thorough opinion of December 1, 2008. **AFFIRMED.**