

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 92-2768

CHARLES RAY JACKSON,

Plaintiff-Appellant,

versus

JOHNNY J. KLEVENHAGEN, ET AL.,

Defendants-Appellees.

Appeal from the United States District Court for
the Southern District of Texas
(CA-H-91-3349)

(March 28, 1994)

Before REAVLEY, GARWOOD and HIGGINBOTHAM, Circuit Judges.

PER CURIAM:*

Charles Ray Jackson appeals from a Rule 12(b)(6) dismissal of his constitutional claim that the Harris County Jail officials were deliberately indifferent to his serious medical needs.

By considering all of Jackson's allegations in his *pro se* pleading and his responses to the defendants' motions to dismiss, we conclude that dismissal was not warranted. Beginning on March 26 through May of 1991 he alleges repeated complaints of swelling

*Local Rule 47.5 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that Rule, the Court has determined that this opinion should not be published.

and severe pain in his testicles. Except for one diagnosis of blood infection by Dr. Hendel, for which the doctor's prescribed medicine arrived days after it was needed, all of Jackson's laments and requests were ignored. He alleged that the defendants in control of the jail callously disregarded medical needs and knew medical treatment was being denied.

We affirm the judgment dismissing the claim against Dr. Hendel, who was alleged to have been no more than negligent. Otherwise, the judgment is reversed.

AFFIRMED in part, REVERSED in part. Cause REMANDED.