

UNITED STATES COURT OF APPEALS
For the Fifth Circuit

No. 93-1294
Summary Calendar

ASA GORDON DANIEL,

Plaintiff-Appellant,

VERSUS

JIM BOWLES, Dallas County Sheriff, et al.,

Defendants-Appellees.

Appeal from the United States District Court
for the Northern District of Texas at Dallas
(3:92-CV-0406-P)

(January 3, 1993)

Before GARWOOD, SMITH, and DeMOSS, Circuit Judges:

PER CURIAM:*

Daniel, acting pro se, filed suit under 42 U.S.C. 1983 against the sheriff of Dallas County, the director of nursing at the Dallas County jail, the jail commander, an unnamed physician working at the Dallas County jail, and Dallas County jail nurse, asserting various complaints regarding the denial of or inadequacy of medical treatment afforded to him while he was incarcerated at the Dallas

*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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

County jail, both as a pre-trial detainee and a post conviction prisoner.

The complaint was referred to the magistrate judge who submitted two different sets of interrogatories to Daniel and permitted Daniel to file an amended complaint to better define his claim. The magistrate judge then filed a 14 page report setting forth his findings of facts and his conclusions, and his recommendation that Daniel's complaint be dismissed pursuant to 28 U.S.C. § 1915(d). The district judge approved and adopted the findings and conclusions and the recommendation of the magistrate judge and the case was dismissed pursuant to 28 U.S.C. § 1915(d).

We have carefully reviewed the original complaint and the amended complaint filed by Daniel and the two sets of answers which he filed to the interrogatories propounded by the magistrate. We **AFFIRM** the judgment of the trial court dismissing Daniel's claims pursuant to 28 U.S.C. § 1915(d).

GARWOOD, Circuit Judge, specially concurring:**

Daniel's *pro se* brief on appeal consists of nothing more than wholly general statements of law concerning the duty to provide medical treatment to prisoners and not to overcrowd prisons, the appropriateness of a totality of conditions test to determine whether conditions of confinement constitute cruel and unusual punishment, the desirability of judges being sensitive to possible abuses of prisoners, and the appropriateness of appointing counsel for a *pro se* litigant who has a colorable claim for relief. The only thing in Daniel's brief even remotely alluding to *anything* about this suit, or any of the rulings made below, is the prayer for relief asking that this Court "remand this action back to the lower court with the recommendation that counsel be appointed for plaintiff and that Federal Marshals be ordered to provide process of service upon the defendants." So far as this may complain of the failure of the court below to appoint counsel, no exceptional circumstances and no abuse of discretion appear. Even with the most liberal construction and reading, Daniel's brief presents nothing else for review. See *Brinkmann v. Dallas County Deputy Sheriff Abner*, 813 F.2d 744, 748 (5th Cir. 1987). Nor does it appear that affirmance would result in a manifest miscarriage of justice.

** Because there is no request for oral argument, this special concurrence is consistent with summary calendar disposition.