

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 93-1666
Conference Calendar

ELIAS P. MALDONADO,

Plaintiff-Appellant,

versus

D.L. KEESEE, ET AL.,

Defendants-Appellees.

- - - - -
Appeal from the United States District Court
for the Northern District of Texas
USDC No. 5:93-CV-178-C
- - - - -
(December 15, 1993)

Before GARWOOD, JOLLY, and BARKSDALE, Circuit Judges.

PER CURIAM:*

Elias P. Maldonado filed this civil rights action under 42 U.S.C. § 1983 against D.L. Keese, Don Addington, and the medical staff of Lubbock County Jail, alleging inadequate medical treatment for his high blood pressure. The district court dismissed the action as frivolous under 28 U.S.C. § 1915(d).

Maldonado's allegations do not demonstrate deliberate indifference to his serious medical needs nor unreasonable

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

medical care.² Estelle v. Gamble, 429 U.S. 97, 104-05, 97 S.Ct. 285, 50 L.Ed.2d 251 (1976); Colle v. Brazos County, Texas, 981 F.2d 237, 244 (5th Cir. 1993). He alleges at most a disagreement with the medical care he is receiving. He was not denied medical care. He admits that he was seen by a nurse, that he was taken to the hospital and treated by a doctor there, that he is being treated by a doctor at the jail, and that he is receiving medication for his high blood pressure. His complaint is based on the fact that the doctor at the jail is not giving him the exact medication prescribed by the doctor at the hospital. He has not alleged a total deprivation of needed medication, which would state a claim for deliberate indifference. See Williams v. Treen, 671 F.2d 892, 900-01 (5th Cir. 1982), cert. denied, 459 U.S. 1126 (1983). The alleged delays in medical care relating to the blood pressure cuff and the 30 minute wait to go to the hospital are not unreasonable delays which would amount to a constitutional violation. Maldonado's claim has no basis in law or in fact, and the district court did not abuse its discretion in dismissing his action as frivolous. Denton v. Hernandez, ___ U.S. ___, 112 S.Ct. 1728, 1733-34, 118 L.Ed.2d 340 (1992).

Maldonado's appeal is DISMISSED AS FRIVOLOUS. See Fed. R. App. P. 42.2.

² The record does not indicate whether Maldonado was a convicted prisoner or a pretrial detainee, and so both standards are being applied.