

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 93-1701
Conference Calendar

JEFFREY LYNN COMEAUX,

Plaintiff-Appellant,

versus

JIM BOWLES, Sheriff, Dallas
County, TX and OFFICER FREEMAN,
Detention Officer for Dallas
County Jail,

Defendants-Appellees.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:93-CV-0388-X

(October 28, 1993)

Before POLITZ, Chief Judge, and SMITH and WIENER, Circuit Judges.

PER CURIAM:*

Jeffrey Lynn Comeaux appeals the dismissal of his civil rights complaint as frivolous. A reviewing court will disturb a district court's dismissal of a pauper's complaint as frivolous only on finding an abuse of discretion. A district court may dismiss a pauper's complaint as frivolous "where it lacks an arguable basis either in law or in fact." Denton v. Hernandez, ___ U.S. ___, 112 S.Ct. 1728, 1733-34, 118 L.Ed.2d 340 (1992)(quoting Neitzke v. Williams, 490 U.S. 319, 325 (1989)).

"[P]retrial detainees are entitled to reasonable medical care unless the failure to supply that care is reasonably related to a legitimate governmental objective." Cupit v. Jones, 835 F.2d 82,

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

85 (5th Cir. 1987). The district court did not abuse its discretion by dismissing Comeaux's complaint as frivolous. Comeaux concedes that he was treated at Parkland Hospital on January 5th and 6th. Given the relatively minor nature of Comeaux's alleged injury, an ingrown toenail, and the fact that he was treated, the district court did not err by finding that his claim is not arguable in fact.

Additionally, "[s]ection 1983 affords redress to a person who under color of state law deprives another person of any federal constitutional or statutory right." San Jacinto Sav. & Loan v. Kacal, 928 F.2d 697, 700 (5th Cir. 1991). Comeaux's contention that the defendants inflicted psychological pain on him by allowing him to be billed for his treatment does not allege a colorable violation of a federal constitutional or statutory right and is frivolous. Finally, Comeaux has failed to brief adequately on appeal his contention that the defendants conspired to deny him medical care because of his race. See Brinkmann v. Dallas County Deputy Sheriff Abner, 813 F.2d 744, 748 (5th Cir. 1987).

AFFIRMED.