

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

---

No. 93-1716  
Conference Calendar

---

JEFFREY B. FRANKLIN, SR.,

Plaintiff-Appellant,

versus

ENNIS POLICE DEPARTMENT, ET AL.,

Defendants-Appellees.

---

Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 3:93-CV-0082-R

---

(December 15, 1993)

Before GARWOOD, JOLLY, and BARKSDALE, Circuit Judges.

PER CURIAM:\*

Jeffrey B. Franklin, Sr., appeals the dismissal of his civil rights complaint alleging that he received inadequate medical care as frivolous pursuant to 28 U.S.C. § 1915(d). An in forma pauperis complaint ("IFP") may be dismissed by the district court if it determines that the action is frivolous or malicious. 28 U.S.C. § 1915(d). A complaint is "frivolous" if it "lacks an

---

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

arguable basis either in law or in fact.'" Denton v. Hernandez, \_\_\_ U.S. \_\_\_, 112 S. Ct. 1728, 1733, 118 L. Ed. 2d 340 (1992) (quoting Neitzke v. Williams, 490 U.S. 319, 325, 109 S. Ct. 1827, 104 L. Ed. 2d 338 (1989)). Section 1915(d) dismissals are reviewed for abuse of discretion. Denton, 112 S. Ct. at 1734; see Moore v. Mabus, 976 F.2d 268, 270 (5th Cir. 1992).

"[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, 85 (5th Cir. 1987). The district court did not abuse its discretion in this case because Franklin has failed to allege facts showing that he was denied reasonable medical care.

AFFIRMED.