

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 93-5095

Summary Calendar

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ROGER MAYWEATHER,

Plaintiff-Appellant,

versus

LARRY JEANE, ET AL.,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Western District of Louisiana  
(91-2359)

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(June 3, 1994)

Before KING, HIGGINBOTHAM, and BARKSDALE, Circuit Judges.

PER CURIAM:\*

We affirm the district court's grant of summary judgment against Roger Mayweather.

Mayweather first contends that he was denied due process at his disciplinary hearing on June 26, 1991 because the notice he received was illegible and because, at the hearing, appellee Robert Boykin refused to consider his medical records. Due process requires that Mayweather have received notice of the charge and

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

some opportunity to be heard.<sup>1</sup> Mayweather's deposition shows that he had adequate notice of the hearing. The hearing transcript shows that Mayweather did not mention a medical condition at the hearing. The district court did not err in granting summary judgment on these facts.

Mayweather next contends that he did not receive requested pain pills. He must show deliberate indifference to his serious medical needs.<sup>2</sup> Prison records do not raise a fact question as to the adequacy of his care. Upon arriving at Allen Correctional Center, he signed a form stating that he had been shown how to obtain medical services. He told a nurse that he was carrying his prescribed medications, Motrin and Tagamet. He then did not request regular medical call-out from June 25 through July 31, 1991. Medical records show that a doctor monitored Mayweather's medical case, that he received medical treatment from nurses on several occasions between July 18 and August 13, 1991, and that when he did request Motrin and Tagamet, he received the medications on or about the day he requested them.

Mayweather also contends that he was denied adequate access to the courts, as a result of which his civil rights action against Orleans Parish Prison officials was dismissed.<sup>3</sup> As the district court noted, appellees' summary judgment documents show that

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<sup>1</sup>Gibbs v. King, 779 F.2d 1040, 1044 (5th Cir.), cert. denied, 476 U.S. 1117 (1986).

<sup>2</sup>Estelle v. Gamble, 429 U.S. 97, 104 (1976).

<sup>3</sup>See Mayweather v. Foti, 958 F.2d 91 (5th Cir. 1992).

Mayweather received large amounts of free legal supplies monthly, as well as legal assistance and notarial services.

The district court also did not err by not addressing Mayweather's claim that he was transferred to a disciplinary camp in retaliation for filing an ARP complaint and this lawsuit. This allegation was first raised as a conclusory objection, not implicating any of the appellees, to the magistrate judge's report. The district court did not err in declining to treat this new argument as an amendment to Mayweather's pleadings.<sup>4</sup>

We do not consider the remainder of Mayweather's claims. His contention that he was not able to face his accuser and call witnesses at his disciplinary hearing is not supported by argument.<sup>5</sup> Neither is Mayweather's claim that the district court erred by not fully addressing his motion to get copies of his Charity Hospital of New Orleans medical records. His claim about his transfer to a cellblock where he worked as a yard orderly duplicates his arguments about due process and medical care.

AFFIRMED.

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<sup>4</sup>See 6 Charles A. Wright et al., Federal Practice & Procedure § 1487 (2d ed. 1990).

<sup>5</sup>Weaver v. Puckett, 896 F.2d 126, 128 (5th Cir.), cert. denied, 498 U.S. 966 (1990).