

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 93-5208
Conference Calendar

WELDON MOORE,

Plaintiff-Appellant,

versus

STEVE RADER ET AL.,

Defendants-Appellees.

- - - - -
Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 92 CV 03805
- - - - -
(March 24, 1994)

Before KING, DAVIS, and DeMOSS, Circuit Judges.

PER CURIAM:*

Weldon Moore, a prisoner in the Louisiana Correctional and Industrial School (LCIS), filed a complaint pursuant to 42 U.S.C. § 1983 against Warden Steve Rader and Dr. Clarence D. Snyder. The district court dismissed the suit as frivolous under 28 U.S.C. § 1915(d). A district court may dismiss a 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) (quotation omitted). Section 1915(d)

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

authorizes the piercing of "the veil of the complaint's factual allegations if they are clearly baseless." Ancar v. Sara Plasma, Inc., 964 F.2d 465, 468 (5th Cir. 1992).

Moore asserts that prison officials were deliberately indifferent to his serious medical needs. Allegations of wanton acts or omissions sufficiently harmful to evidence deliberate indifference to a prisoner's serious medical needs are necessary to state a claim for relief under 42 U.S.C. § 1983. Wilson v. Seiter, ___ U.S. ___, 111 S.Ct. 2321, 2323-27, 115 L.Ed.2d 271 (1991); Estelle v. Gamble, 429 U.S. 97, 104, 97 S.Ct. 285, 50 L.Ed.2d 251 (1976). Acts of negligence, neglect, or medical malpractice are not sufficient. Fielder v. Bosshard, 590 F.2d 105, 107 (5th Cir. 1979); see Gamble, 429 U.S. at 105-06.

With respect to the claim that prison officials should have informed him that his blood test showed that he had hepatitis B and C, Moore has alleged no deliberate or wanton acts intended to harm him. With respect to the claim that he was not treated for his hepatitis, Moore simply disagrees with Dr. Snyder's assessment of his condition. Dr. Snyder informed Moore that the test showed that he had contracted hepatitis B and C prior to his incarceration, that there is no treatment for hepatitis, and that Moore did not currently have active hepatitis. Moore's allegations do not demonstrate deliberate indifference, but suggest at most a claim of negligence or medical malpractice, both of which are insufficient to support a § 1983 action. See Fielder, 590 F.2d at 107.

AFFIRMED.