

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 93-9154

Summary Calendar

NATHANIEL REVELL, JR.,

Plaintiff-Appellant,

versus

JIM BOWLES, SHERIFF OF
DALLAS, COUNTY, ET AL.,

Defendants-Appellees.

Appeal from the United States District Court
for the Northern District of Texas
(3:93-CV-1822-X)

(July 18, 1994)

Before KING, HIGGINBOTHAM, and BARKSDALE, Circuit Judges.

PER CURIAM:*

Nathaniel Revell alleged in his complaint that he was a pretrial detainee in the Dallas County jail in October and November 1992. According to Revell, on October 1, he fell backwards over a mattress in his overcrowded cell and injured his back, legs, shoulders, and neck. Revell could not summon the jail staff because the staff had disconnected the jail's intercom system.

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

After about an hour, the staff responded to Revell by telling him that the nurse did not want to see him. Revell claims he continued to tell staff of his injuries for several days but was denied treatment. He filed jail grievances throughout October and November regarding his medical needs and the jail staff's policy of disconnecting the intercom system, which went unanswered. He did not receive medical treatment until after transferring to the Texas Department of Criminal Justice, Institutional Division.

Revell named as defendants Dallas County, Sheriff Jim Bowles, and an unnamed jail physician. Revell contended that his injuries and inadequate treatment resulted from the flawed policies of the county jail. He also contended that Bowles and the physician failed to train their employees adequately and were deliberately indifferent to his serious medical needs. The magistrate judge recommended that the district judge dismiss Revell's complaint as frivolous, with prejudice. The district judge adopted this recommendation and dismissed Revell's complaint.

Revell first contends that the magistrate judge imposed a heightened pleading standard on him by ordering him to complete written interrogatories, violating Leatherman v. Tarrant County Narcotics Intelligence and Coordination Unit, ___ U.S. ___, 113 S. Ct. 1160 (1993). Courts may focus the claims of IFP plaintiffs by sending them questionnaires or by holding limited evidentiary hearings. The plaintiffs' answers do not constitute separate pleadings. Spears v. McCotter, 766 F.2d 179, 181-82 (5th Cir.

1985). The magistrate judge properly tried to focus Revell's claims by sending the interrogatories.

Revell next contends that Bowles and the jail physician deprived him of adequate medical care by hiring insensitive personnel, failing to train or supervise them adequately, and failing to follow adequate medical procedures. Revell seeks to hold Bowles liable because he supervises the jail and its personnel and sets jail policy, and seeks to hold the physician liable because he oversees jail medical personnel. He does not allege that Bowles and the physician were personally involved in denying him medical care. Because he fails to allege facts that would give rise to supervisory, as opposed to vicarious, liability, Revell's claims against Bowles and the unnamed physician were properly dismissed. See Thompkins v. Belt, 828 F.2d 298, 303-04 (5th Cir. 1987).

Revell finally argues that Dallas County established policies that amounted to deliberate indifference to his serious medical needs. When asked by the magistrate judge to identify a specific policy that caused him to be denied proper medical care, Revell stated that he had been denied access to examination and treatment and that his grievances had been ignored. These allegations do not allow an inference that official policy denied him reasonable medical care. Dismissal of that claim as frivolous was proper. See Bennett v. City of Slidell, 728 F.2d 762, 767 (5th Cir. 1984) (en banc), cert. denied, 472 U.S. 1016 (1985).

AFFIRMED.

