

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 93-9161

Summary Calendar

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ROBERT EARL WILLIAMS,

Plaintiff-Appellant,

versus

DALLAS COUNTY, TX,

Defendant-Appellee.

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Appeal from the United States District Court  
for the Northern District of Texas  
(3:92-CV-33-T)

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(June 6, 1994)

Before KING, HIGGINBOTHAM, and BARKSDALE, Circuit Judges.

PER CURIAM:\*

Robert Earl Williams, former inmate of the Dallas County Jail, filed an in forma pauperis civil rights complaint against Dallas County under 42 U.S.C. § 1983. Williams was incarcerated as a pretrial detainee at the Dallas County Jail for approximately six months. In his complaint, Williams alleged that he was exposed to tuberculosis while incarcerated at the jail and that he was denied

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

access to medical care for his swollen foot while incarcerated at the jail. The magistrate judge recommended dismissing Williams's complaint as frivolous. After reviewing Williams's objections to the magistrate judge's report and recommendation, the district court adopted the report and recommendation and dismissed Williams's complaint as frivolous under 28 U.S.C. § 1915(d).

As a pretrial detainee, Williams had a right to be free from punishment and was entitled to reasonable medical care unless the failure to provide such care was reasonably related to a legitimate government objective. Cupit v. Jones, 835 F.2d 82, 84 (5th Cir. 1987). To establish that Dallas County was liable under § 1983, Williams must have demonstrated a policy or custom which caused the deprivation of reasonable medical care. Colle v. Brazos County, Tex., 981 F.2d 237, 244 (5th Cir. 1993). Williams did not allege that a policy or custom in Dallas County existed which would have resulted in the denial of reasonable medical care. In fact, Williams acknowledged that he was seen once by the jail's doctor and three times by the jail's nurse. This was reasonable medical care. The district court did not abuse its discretion in dismissing Williams's medical care complaint as frivolous.

Williams also argues that he was exposed to tuberculosis in the Dallas County Jail but did not contract it. Prison officials may be liable for deliberate indifference to inhumane confinement conditions. See e.g., Helling v. McKinney, 113 S. Ct. 2475, 2480-81 (1993) (quoting Wilson v. Seiter, 111 S. Ct. 2321 (1991)). Williams' description of the "sardine packed Dallas County Jail"

does not satisfy this requirement. The district court did not abuse its discretion in dismissing Williams's conditions-on-confinement complaint under § 1915(d).

AFFIRMED.