

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 94-10632
Conference Calendar

ALVIN WILLIAMS,

Plaintiff-Appellant,

versus

WARDEN MCLEOD ET AL.,

Defendants-Appellees.

- - - - -
Appeal from the United States District Court
for the Northern District of Texas
USDC No. 2:93-CV-92
- - - - -

(January 27, 1995)

Before POLITZ, Chief Judge, and HIGGINBOTHAM and DeMOSS,
Circuit Judges.

PER CURIAM:*

Affording Alvin Williams' brief the most liberal of constructions, see Haines v. Kerner, 404 U.S. 519, 520, 92 S. Ct. 594, 30 L. Ed. 2d 652 (1972), he asserts only that he is being forced to perform prison work assignments against his will, and that he has received inadequate medical treatment for his high blood pressure.

Inmates can be required to work, in the absence of deliberate indifference to their physical condition. Mendoza v.

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

Lynaugh, 989 F.2d 191, 195 (5th Cir. 1993). Work assignments alone do not rise to the level of a constitutional violation. Moody v. Baker, 857 F.2d 256, 257-58 (5th Cir.) cert. denied, 488 U.S. 985 (1988).

Williams' contention that he has received inadequate medical treatment for his high blood pressure is also frivolous. Unsuccessful medical treatment, negligence, neglect, and even medical malpractice do not state a claim under § 1983. Varnado v. Lynaugh, 920 F.2d 320, 321 (5th Cir. 1991). The record indicates nothing more than a disagreement with the medical treatment received. See Varnado, 920 F.2d at 321.

This appeal presents no issue of arguable merit and is thus frivolous. Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983). Because the appeal is frivolous, it is DISMISSED. 5th Cir. R. 42.2. IT IS ORDERED that his motion for the appointment of appellate counsel is DENIED. See Ulmer v. Chancellor, 691 F.2d 209, 212 (5th Cir. 1982).

APPEAL DISMISSED; MOTION DENIED.