IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 94-10721
Conference Calendar

THURMAN WAYNE ARMON,

Plaintiff-Appellant,

versus

DR. BEAU NGUYEN,

Defendant-Appellee.

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Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:94-CV-999-R

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(January 26, 1995)

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

PER CURIAM:[*]

In forma pauperis (IFP) and pursuant to 42 U.S.C. § 1983, Texas prisoner Thurman Wayne Armon alleged medical mistreatment arising from negligence. Neither negligent medical treatment nor mistaken medical judgment gives rise to a § 1983 cause of action. Varnado v. Lynaugh, 920 F.2d 320, 321 (5th Cir. 1991).

Armon also claimed intentional medical mistreatment. When the magistrate judge directed Armon to provide specific facts supporting his allegation, Armon provided none. A questionnaire

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

like that which the magistrate judge employed is properly used to dig beneath a pro se prisoner's conclusional allegations to determine the factual and legal bases of a claim. Spears v. McCotter, 766 F.2d 179, 180-81 (5th Cir. 1985). When an IFP complaint, as developed by hearing or questionnaire, is frivolous, the district court may dismiss it pursuant to 28 U.S.C. § 1915(d). Id. at 180-81, 182. Once given an opportunity to plead his best case, even a pro se plaintiff must plead specific facts to support his conclusions. Jacquez v. Procunier, 801 F.2d 789, 793 (5th Cir. 1986). Armon, however, stated no specific facts that would support his allegation of intentional injury.

The district court did not abuse its discretion in determining that Armon's claims were frivolous and in dismissing them as such. See 28 U.S.C. § 1915(d); Booker v. Koonce, 2 F.3d 114, 115 (5th Cir. 1993). This appeal is frivolous and is dismissed. See Coghlan v. Starkey, 852 F.2d 806, 811 (5th Cir. 1988); 5th Cir. R. 42.2.

To the sanction imposed in Armon v. McLeod, No. 94-40522 (5th Cir. Sept. 20, 1994) (unpublished), we impose the further sanction that, subject to further order of this Court, Armon may not file any civil rights complaint in any district court subject to the jurisdiction of this Court without first receiving written authorization to do so from a district or magistrate judge of the forum; nor may he appeal any such action without first receiving the written authorization to do so from an active judge of this Court. The clerks of court are directed to return unfiled any

pleading tendered in violation of this order, and any such pleading that is inadvertently filed is to be promptly dismissed.

APPEAL DISMISSED.