

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 94-10722  
Conference Calendar

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JERMAINE D. IRVIN,

Plaintiff-Appellant,

versus

JOHN J. CASASANTA, Employee,  
TDCJ Clements Unit, ET AL.,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 2:93-CV-69

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(November 15, 1994)

Before JONES, DUHÉ, and PARKER, Circuit Judges.

PER CURIAM:\*

Jermaine D. Irvin appeals the district court's dismissal, as frivolous under 28 U.S.C. § 1915(d), of his civil rights complaint brought under 42 U.S.C. § 1983 alleging a Due Process violation resulting from his forced medication with psychotropic drugs while incarcerated.

Under the guise of an appellate brief, Irvin offers a rambling recitation of his version of the events surrounding this

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

matter. He makes no meaningful legal arguments regarding any specific alleged errors committed by the district court.

After conducting a hearing pursuant to Spears v. McCotter, 766 F.2d 179, 180 (5th Cir. 1985), the magistrate judge made factual findings and determined that Irvin testified that: 1) he instigated the episode that resulted in his "forced medication" by throwing a liquid substance on another inmate and a guard; 2) he twice refused to comply with orders to come to his cell door and be handcuffed; 3) he had been diagnosed as having poor impulse control; 4) he had voluntarily entered the prison Program for the Aggressive Mentally Ill Offender (PAMIO); and 5) he did not disagree with the prison doctor's testimony that, after the incident, Irvin was both physically and verbally aggressive, was a danger to himself and others, that verbal intervention had failed necessitating a minimum-dosage injection of Thorazine, and that the decision to administer the injection was made by a doctor after consulting telephonically with a nurse who was on the scene.

Irvin appears to dispute certain of the magistrate judge's factual findings as well as his legal conclusion. However, a prisoner may be administered psychotropic drugs against his will if it is in the prisoner's medical interests and he is dangerous to himself or others. See Washington v. Harper, 494 U.S. 210, 222-27, 110 S. Ct. 1028, 108 L. Ed. 2d 178 (1990). Further, the facts found by the magistrate judge support the decision to medicate Irvin because he was a danger to himself and others, and verbal intervention to curb his aggression was unsuccessful.

Irvin's statements to the contrary do not persuade us that the factual findings were clearly erroneous.

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. See 5th Cir. R. 42.2.

APPEAL DISMISSED.