

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 94-11105
Conference Calendar

TIMOTHY LEE DANNER,

Plaintiff-Appellant,

versus

TIM BOWLES, Dallas
County Sheriff, ET AL.,

Defendants,

LEONARD L. BUEBER,

Defendant-Appellee.

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Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:93-CV-501-D
- - - - -
June 28, 1995

Before JONES, WIENER, and EMILIO M. GARZA, Circuit Judges.

PER CURIAM:*

Timothy Lee Danner appeals the district court's dismissal, pursuant to Fed. R. Civ. P. 54(b), of his claims against Officer Leonard Bueber and Sheriff Jim Bowles for inadequate medical treatment. Danner's appeal is meritless. This court remanded to the district court for dismissal of Danner's claim against Bueber because Danner's pleadings had failed to state a violation of a

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 Pursuant to that Rule, the court has determined that this opinion should not be published.

constitutional right. To establish liability on the part of Bowles, Danner was required to show that Bowles had affirmatively participated in acts that caused a constitutional deprivation or implemented unconstitutional policies that resulted in Danner's injury. Mouille v. City of Live Oak, Tex., 977 F.2d 924, 929 (5th Cir. 1992), cert. denied, 113 S. Ct. 2443 (1993). Because this court has already determined that the injury to Danner does not constitute a constitutional deprivation, it follows that there can be no liability on the part of either Bueber or Bowles.

Danner's appeal is without arguable merit and thus frivolous. Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983). All of Danner's other motions and filings pertaining to this case are DENIED as moot.

APPEAL DISMISSED. See 5th Cir. Rule 42.2.