

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 94-20112
Conference Calendar

REGINALD LAVERGNE,

Plaintiff-Appellant,

versus

HARRIS COUNTY CENTRAL JAIL,

Defendant-Appellee.

- - - - -
Appeal from the United States District Court
for the Southern District of Texas
USDC No. CA H 93 3047

- - - - -
(September 20, 1994)

Before KING, SMITH, and BENAVIDES, Circuit Judges.

PER CURIAM:*

Reginald Lavergne filed a civil rights complaint alleging that he was denied adequate health care while incarcerated at the Harris County Central Jail because he was exposed to tuberculosis. The district court dismissed the complaint as malicious under 28 U.S.C. § 1915(d) because it was duplicative of a previous lawsuit that had been dismissed with prejudice. On appeal Lavergne argues the merits of his claim but does not address the basis of the district court's dismissal. Issues not

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

raised or briefed are considered abandoned. Evans v. City of Marlin, Tex., 986 F.2d 104, 106 n.1 (5th Cir. 1993).

The appeal is without arguable merit and 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.