IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 94-30143
Conference Calendar

SHEDRICK DAVIS,

Plaintiff-Appellant,

versus

RICHARD L. STALDER ET AL.,

Defendants-Appellees.

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Appeal from the United States District Court
for the Middle District of Louisiana
USDC No. CA-93-29-B-2

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(March 23, 1995)

Before GARWOOD, BARKSDALE, and STEWART, Circuit Judges.

PER CURIAM:[*]

Summary judgment is proper when, viewing the evidence in the light most favorable to the non-movant, "`there is no genuine issue as to any material fact and . . . the moving party is entitled to a judgment as a matter of law.'" Amburgey v. Corhart Refractories Corp., 936 F.2d 805, 809 (5th Cir. 1991) (quoting Fed. R. Civ. P. 56(c)). We review de novo the district court's summary-judgment determination. Skotak v. Tenneco Resins, Inc., 953 F.2d 909, 912 (5th Cir.), cert. denied, 113 S. Ct. 98 (1992).

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

Prison officials violate the constitutional proscription against cruel and unusual punishment when they demonstrate deliberate indifference to a prisoner's serious medical needs, constituting an unnecessary and wanton infliction of pain. Wilson v. Seiter, 501 U.S. 294, 302-03 (1991). The facts underlying a claim of deliberate indifference must clearly evince the medical need in question and wanton actions on the part of the defendants. Johnson v. Treen, 759 F.2d 1236, 1238 (5th Cir. 1985).

A mere disagreement with one's medical treatment is not sufficient to state a cause of action under § 1983. Varnado v. Lynaugh, 920 F.2d 320, 321 (5th Cir. 1991). Further, mere negligence will not suffice to support a claim of deliberate indifference. See Jackson v. Cain, 864 F.2d 1235, 1246 (5th Cir. 1989).

Shedrick Davis does not contest the district court's grant of summary judgment for Richard L. Stalder, John P. Whitley, Michael Gunnells, Gary Frank, Lt. Norwood, Sgt. Donnie Parker, and Sgt. Tillery. Davis challenges only the district court's grant of summary judgment for hospital administrator Ella L. Fletcher, Dr. Rahuel Vangola, Dr. Robert Barnes, Dr. Edmundo Gutierrez, Dr. Susan Bankston, and Dr. K. Gremillion. Accordingly, Davis has abandoned the issue of any error by the district court in dismissing Stalder, Whitley, Gunnells, Frank, Norwood, Parker, and Tillery. See Weaver v. Puckett, 896 F.2d 126, 128 (5th Cir.), cert. denied, 498 U.S. 966 (1990).

"Under section 1983, supervisory officials are not liable for the actions of subordinates on any theory of vicarious liability." Thompkins v. Belt, 828 F.2d 298, 303 (5th Cir. 1987). There can be liability if a supervisor is either personally involved in the constitutional deprivation or there is a causal connection between the supervisor's conduct and the violation. Id. at 304. Davis does not allege hospital administrator Fletcher's personal involvement in any constitutional deprivation or any causal connection between the other defendants' conduct and any violation outside of her alleged failure to supervise. The district court properly granted summary judgment for Fletcher.

Looking at the evidence in the light most favorable to Davis, the non-movant, there is not a genuine issue of material fact whether the defendants were deliberately indifferent to Davis's serious medical needs. Although Davis may not have received the kind of treatment he would have preferred, the defendants adequately treated his serious medical needs. Davis received medical attention, medication, bed rest, and surgery to correct his condition. Davis was referred to two specialists when he did not respond to conservative treatment. The district court did not err in granting summary judgment for Vangola, Barnes, Gutierrez, Bankston, and Gremillion.

AFFIRMED.