

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 94-30560
Conference Calendar

WALTER WILLIAMS,

Plaintiff-Appellant,

versus

CHARLES C. FOTI, JR., ET AL.,

Defendants-Appellees.

- - - - -
Appeal from the United States District Court
for the Eastern District of Louisiana
USDC No. CA-93-3915-F
- - - - -

(March 22, 1995)

Before GARWOOD, BARKSDALE, and STEWART, Circuit Judges.

PER CURIAM:*

Walter Williams appeals the judgment of the district court dismissing his civil rights action with prejudice. Williams asserts that prison personnel ignored prison physicians' orders, referring him to a neurologist, from June 1993 until December 1993. He argues that the delay constitutes deliberate indifference to his serious medical needs in violation of the Eighth Amendment.

In order to state a cognizable claim of an Eighth Amendment violation in the medical sense, prisoners must show that prison

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

officials were deliberately indifferent to their serious medical needs constituting unnecessary and wanton infliction of pain.

Estelle v. Gamble, 429 U.S. 97, 104-06 (1976).

Williams' medical records indicate that either a doctor or nurse attended Williams and provided medication approximately 13 times from June through August for complaints of headaches and other minor ailments. After several referrals from prison physicians, Williams ultimately received his appointment with a neurologist, and the results of the CT brain scan were normal. Even though there was a delay of five to six months before Williams received an appointment with a neurologist, prison medical personnel saw him frequently and responded to his complaints. Williams has not shown that the medical personnel knew that he faced a substantial risk of serious harm and disregarded that risk or that their conduct resulted in substantial harm. See Mendoza v. Lynaugh, 989 F.2d 191, 195 (5th Cir. 1993). There is no merit to this claim.

AFFIRMED.