IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 94-40163
Conference Calendar

ALLEN TYRONE ROBINSON,

Plaintiff-Appellant,

versus

JAMES A. COLLINS, Director, Texas Department of Criminal Justice, ET AL.,

Defendants-Appellees.

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Appeals from the United States District Court
for the Eastern District of Texas
USDC No. 6:93-CV-451

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(September 20, 1994)

Before KING, SMITH, and BENAVIDES, Circuit Judges.

PER CURIAM:*

Allen Tyrone Robinson, a state prisoner, appeals the dismissal of his civil rights action as frivolous pursuant to 28 U.S.C. § 1915(d). Robinson named as defendants James A. Collins, at that time the Director of the Texas Department of Criminal Justice, Institutional Division, and the following Coffield Unit personnel: Warden J.A. Shaw; Assistant Warden F.E. Figueroa; Unit Health Administrator D. Layton; and Drs. Larson, Ford, and Meyer.

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

An in forma pauperis complaint may be dismissed as frivolous pursuant to § 1915(d) if it has no arguable basis in law or in fact. Booker v. Koonce, 2 F.3d 114, 115 (5th Cir. 1993). Section 1915(d) dismissals are reviewed for abuse of discretion. Denton v. Hernandez, ___ U.S. ___, 112 S. Ct. 1728, 1734, 118 L. Ed. 2d 340 (1992). 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, 111 S. Ct. 2321, 115 L. Ed. 2d 271 (1991). The facts underlying a claim of deliberate indifference must clearly evince the medical need in question and the alleged official dereliction. Johnson v. Treen, 759 F.2d 1236, 1238 (5th Cir. 1985).

> [A] prison official cannot be found liable under the Eighth Amendment for denying an inmate humane conditions of confinement unless the official knows of and disregards an excessive risk to inmate health or safety; the official must both be aware of facts from which the inference could be drawn that a substantial risk of serious harm exists, and he must also draw the inference.

Farmer v. Brennan, ___ U.S. ___, 114 S. Ct. 1970, 1979, 128 L. Ed. 2d 811 (1994).

"[P]rison work requirements which compel inmates to perform physical labor which is beyond their strength, endangers their lives, or causes undue pain constitute cruel and unusual punishment." Howard v. King, 707 F.2d 215, 219 (5th Cir. 1983). Work which is not cruel and unusual per se may also violate the Eighth Amendment if prison officials are aware that it will

"significantly aggravate" a prisoner's serious medical condition. Jackson, 864 F.2d at 1246. A negligent assignment to work that is beyond the prisoner's physical abilities, however, is not unconstitutional. Id. 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). Robinson's claims against the medical doctors are based upon no more than a disagreement with his medical treatment. Prison officials cannot be faulted for assigning Robinson to work which was consistent with his medical classification. Therefore, the magistrate judge did not abuse his discretion by dismissing the claims against Assistant Warden F.E. Figueroa, Unit Health Administrator D. Layton, and Drs. Larson, Ford, and Meyer as frivolous.

"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. Robinson has not alleged facts from which it can be concluded that J. Collins and J. Shaw were personally involved in a constitutional deprivation or that their actions were causally connected with a constitutional violation committed by a subordinate. Therefore, the magistrate judge did

not abuse his discretion by dismissing the claims against J. Collins and J. Shaw as frivolous.

AFFIRMED.