IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 94-50203
Conference Calendar

ANTHONY CHANEY,

Plaintiff-Appellant,

versus

SHERIFF ED RICHARDS, in his official capacity as Sheriff of Williamson County, ET AL.,

Defendants-Appellees.

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Appeal from the United States District Court
for the Western District of Texas
USDC No. A-93-CV-102

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(November 17, 1994)

Before JONES, DUHÉ, and PARKER, Circuit Judges.

PER CURIAM:[*]

Anthony Chaney filed a civil rights complaint alleging that he was denied adequate medical care in violation of the Eighth Amendment; that he was denied access to an educational program at the Williamson County jail; and that he was confined to lockdown for fourteen days without due process. The district court granted the defendant's motion to dismiss the complaint for failure to state a claim upon which relief can be granted and dismissed the complaint without prejudice.

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

This Court reviews a dismissal for failure to state a claim under Fed. Civ. P. 12(b)(6) de novo. Fernandez-Montes v. Allied Pilots Ass'n, 987 F.2d 278, 284 (5th Cir. 1993). A Rule 12(b)(6) dismissal is appropriate when, accepting all well-pleaded facts as true and viewing them in the light most favorable to the plaintiff, the plaintiff can prove no set of facts that would entitle him to relief. McCartney v. First City Bank, 970 F.2d 45, 47 (5th Cir. 1992).

Chaney argues that he was denied adequate medical care in violation of the Eighth Amendment. To state a medical claim cognizable under § 1983, a convicted prisoner must allege acts or omissions sufficiently harmful to evidence a deliberate indifference to serious medical needs. Estelle v. Gamble, 429 U.S. 97, 106, 97 S. Ct. 285, 50 L. Ed. 2d 251 (1976). A prison official acts with deliberate indifference under the Eighth Amendment "only if he knows that inmates face a substantial risk of serious harm and [he] disregards that risk by failing to take reasonable measures to abate it." Farmer v. Brennan, ___ U.S. ___, 114 S. Ct. 1970, 1984, 128 L. Ed. 2d 811 (1994); see Reeves v. Collins, 27 F.3d 174, 176-77 (5th Cir. 1994) (applying the Farmer standard in the context of a denial-of-medical-care claim). Unsuccessful medical treatment, negligence, neglect, and even medical malpractice do not state a claim under § 1983. Varnado v. Lynaugh, 920 F.2d 320, 321 (5th Cir. 1991).

Chaney admits that he was treated by medical personnel at the Williamson County jail and received pain medication, but contends that this treatment was inadequate. Chaney's argument

amounts to nothing more than disagreement with the medical treatment received and not deliberate indifference to serious medical needs. See Varnado, 920 F.2d at 321.

Chaney also argues that he was improperly denied access to an educational program at the jail because he was placed in lockdown for fourteen days. The state has no constitutional obligation to provide educational or vocational training to prisoners. See Beck v. Lynaugh, 842 F.2d 759, 762 (5th Cir. 1988). Therefore, even assuming that he was improperly denied access to the program, any violation is not cognizable in a § 1983 lawsuit. See Resident Council of Allen Parkway Village v. U.S. Dep't of Housing & Urban Dev., 980 F.2d 1043, 1050 (5th Cir.) (to obtain relief under § 1983 a plaintiff must prove that he was deprived of a right under the Constitution or laws of the United States and that the person depriving him of that right acted under color of state law), cert. denied, 114 S. Ct. 75 (1993).

To the extent that Chaney sued former Sheriff Boutwell, or Sheriff Richards as the substituted party, in his official capacity, and he alleged that he was confined to lockdown without due process, these claims are considered abandoned. See Evans v. City of Marlin, Tex., 986 F.2d 104, 106 n.1 (5th Cir. 1993) (issues not raised or briefed are considered abandoned).

The judgment of the district court is AFFIRMED. The motion for appointment of counsel is DENIED. See Ulmer v. Chancellor, 691 F.2d 209, 213 (5th Cir. 1982).