

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 94-50321
Conference Calendar

VICTOR L. WESS,

Plaintiff-Appellant,

versus

JAMES A. COLLINS, Director
TDC ET AL.,

Defendants-Appellees.

- - - - -
Appeal from the United States District Court
for the Western District of Texas
USDC No. W-93-CV-21
- - - - -
(September 21, 1994)

Before KING, SMITH, and BENAVIDES, Circuit Judges.

PER CURIAM:*

Victor L. Wess is not entitled to proceed in forma pauperis (IFP) on appeal of the dismissal of his civil rights suit because his appeal does not present a nonfrivolous legal issue. Jackson v. Dallas Police Dep't, 811 F.2d 260, 261 (5th Cir. 1986).

Wess' allegation that the district court applied the wrong standard of review is factually incorrect. The district court did not abuse its discretion by dismissing Wess' claims of excessive force as frivolous. Wess is not entitled to relief

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

under 42 U.S.C. § 1983 merely because he disagrees with the medical care which he has received. Varnado v. Lynaugh, 920 F.2d 320, 321 (5th Cir. 1991). Wess' arguments concerning the medical evidence presented in the district court are frivolous.

Wess' motions to appeal IFP and to supplement the record are DENIED and the appeal is DISMISSED.