

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-10269
Conference Calendar

HIEU DUC TRAN,

Plaintiff-Appellant,

versus

KATHLEEN HAWK ET AL.,

Defendants-Appellees.

- - - - -
Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:94-CV-809-A
- - - - -

(October 18, 1995)

Before POLITZ, Chief Judge, and REAVLEY and SMITH, Circuit Judges.

PER CURIAM:*

Federal prisoner Hieu Duc Tran filed a pro se, in forma pauperis (IFP), Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388 (1971), complaint against various federal prison officials alleging that these officials conspired to violate his Eighth Amendment right to adequate medical care because he was denied a wheelchair. The district court dismissed the complaint as frivolous.

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 Pursuant to that Rule, the court has determined that this opinion should not be published.

Following his transfer to the Federal Medical Center, Fort Worth, Tran received extensive medical treatment, and his doctors and physical therapists determined that he did not need a wheelchair. Although Tran disagrees with the medical staff's assessment, his dissatisfaction with his treatment is insufficient to allege a cognizable Bivens claims. See Varnado v. Lynaugh, 920 F.2d 320, 321 (5th Cir. 1991).

This appeal is without arguable merit and thus frivolous. Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983). Because the appeal is frivolous, it will be dismissed. 5th Cir. R. 42.2. We caution Tran that any additional frivolous appeals filed by him or on his behalf will invite the imposition of sanctions. To avoid sanctions, Tran is further cautioned to review all pending appeals to ensure that they do not raise arguments that are frivolous because they have been previously decided by this court.

Appeal DISMISSED.