

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-40033
Conference Calendar

CHARLES E. GRAY,

Plaintiff-Appellant,

versus

A. SMITH, L. Woods, UNKNOWN
NAMES PRISON OFFICIALS

Defendants-Appellees.

- - - - -
Appeal from the United States District Court
for the Southern District of Texas
USDC No. CA-C-94-172
- - - - -

June 29, 1995

Before JONES, WIENER, and EMILIO M. GARZA, Circuit Judges.

PER CURIAM:*

Under 28 U.S.C. § 1915(d), Charles E. Gray was not entitled to conduct discovery prior to dismissal of his complaint. See 28 U.S.C. § 1915(d). Gray failed to establish that any defendant was deliberately indifferent to Gray's serious medical need or safety. See Estelle v. Gamble, 429 U.S. 97, 106 (1976); Farmer v. Brennan, 114 S. Ct. 1970, 1979 (1994). Therefore, the district court did not abuse its discretion by dismissing the complaint.

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 Pursuant to that Rule, the court has determined that this opinion should not be published.

No. 9
-2-

AFFIRMED.