

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 95-40738  
Conference Calendar

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L.W. MARTIN,

Plaintiff-Appellant,

versus

JOHN M. STENNER; HOOPER  
D. JOHNSON

Defendants-Appellees.

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. G-95-CV-10  
- - - - -

December 20, 1995

Before DAVIS, STEWART, and PARKER, Circuit Judges.

PER CURIAM:\*

This is an appeal from the district court's order dismissing appellant's 42 U.S.C. § 1983 civil rights action as frivolous under 28 U.S.C. § 1915(d). He maintains that his allegations support a claim that the defendants delayed treatment of an eye injury, and that this delay constituted deliberate indifference to his serious medical condition resulting in permanent blindness in his left eye. He also argues that John Stenner, the Unit

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\* Local Rule 47.5.1 provides: "The publication of opinions that 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 Pursuant to that Rule, the court has determined that this opinion should not be published.

Health Administrator at the Retrieve Unit of the Texas Department of Criminal Justice (TDCJ), controlled the way that Dr. Hooper D. Johnson, a physician at the TDCJ Unit Health Authority, practiced medicine. We have reviewed the record and the district court's opinion and find no abuse of discretion. Accordingly, we affirm for essentially the reasons given by the district court. Martin v. Stenner, No. G-95-CV-10 (S.D. Tex. August 28, 1995).

AFFIRMED.