

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-11361
Conference Calendar

JULIO ANDRES ARRENDONDO,

Plaintiff-Appellant,

versus

GORDON TRUEBLOOD; JOSEPH R. CAPPS,

Defendants-Appellees.

- - - - -
Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:96-CV-1702-G
- - - - -

October 22, 1997

Before POLITZ, Chief Judge, and WIENER and DENNIS, Circuit Judges.

PER CURIAM:*

Julio Andres Arrendondo, a federal prisoner (# 07200-097), appeals the district court's dismissal as frivolous of his civil rights complaint, filed pursuant to Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics, 403 U.S. 388 (1971). The complaint was dismissed following a Spears v. McCotter, 766 F.2d 179 (5th Cir. 1985), hearing.

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

The district court did not abuse its discretion in adopting the magistrate judge's conclusion that Arrendondo's complaint, which alleged that the defendants were deliberately indifferent to his serious medical needs by failing to see that he underwent surgery for a hernia, was frivolous. See Arrendondo v. Trueblood, No. CA 3-96-CV-1702-G (N.D. Tex. Sept. 26, 1996); Denton v. Hernandez, 504 U.S. 25, 31-34 (1992); Estelle v. Gamble, 429 U.S. 97, 106 (1976).

AFFIRMED.