

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-10029
Conference Calendar

NOBLE W.H. ANDREWS, JR.

Plaintiff-Appellant,

versus

MIKE JONES, B. TUCKER, and
R. MOORING,

Defendants-Appellees.

- - - - -
Appeal from the United States District Court
for the Northern District of Texas
USDC No.2:94-CV-232
- - - - -

August 15, 1997

Before KING, HIGGINBOTHAM, and DUHÉ, Circuit Judges.

PER CURIAM:*

Noble W.H. Andrews, Jr., prisoner # 340973, appeals the dismissal of his § 1983 complaint as frivolous pursuant to 28 U.S.C. § 1915. Andrews' complaint lacks an arguable basis in law; the facts alleged cannot establish deliberate indifference to his serious medical needs. See Wilson v. Seiter, 501 U.S. 294, 303 (1991); Eason v. Thaler, 14 F.3d 8, 9 (5th Cir. 1994).

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

This appeal is frivolous and is therefore DISMISSED. See Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983); 5th Cir. R. 42.2.

Andrews' motion for appointment of counsel is DENIED. See Ulmer v. Chancellor, 691 F.2d 209, 212-13 (5th Cir. 1982). His "Request to Enter Default Judgement and Affidavit of the Amount Due" is frivolous and is DENIED.

APPEAL DISMISSED; MOTIONS DENIED.