

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-11274
Conference Calendar

ROBERT EARL HENRY, JR.,

Plaintiff-Appellant,

versus

TARRANT COUNTY CORRECTIONAL CENTER;
DAVID WILLIAMS, Sheriff,

Defendants-Appellees.

- - - - -
Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:97-CV-902-Y
- - - - -

June 16, 1998

Before DAVIS, PARKER, and DENNIS, Circuit Judges.

PER CURIAM:*

Robert Earl Henry, Jr., Texas prisoner # 0373353, appeals the district court's dismissal of his 42 U.S.C. § 1983 action as frivolous pursuant to 28 U.S.C. § 1915(e)(2)(B)(i). Henry alleged that he suffered injuries as a result of the defendants' negligence. The district court did not abuse its discretion in dismissing his § 1983 action as frivolous pursuant to § 1915(e)(2)(B)(i). See Daniels v. Williams, 474 U.S. 327, 332

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

(1986); Graves v. Hampton, 1 F.3d 315, 317 (5th Cir. 1993).

Henry's conclusional assertion for the first time on appeal that his injuries were the result of deliberate indifference is unavailing. See Robertson v. Plano City of Texas, 70 F.3d 21, 23 (5th Cir. 1995).

Henry's motion for appointment of counsel is DENIED.

Henry's motion for reversal/to remand the case is also DENIED.

AFFIRMED; MOTION FOR APPOINTMENT OF COUNSEL DENIED; MOTION FOR REVERSAL/TO REMAND THE CASE DENIED.