

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 98-30192
Summary Calendar

LEWIS BURTON ROBERTS,

Plaintiff-Appellant,

versus

LOUISIANA DEPARTMENT OF CORRECTIONS,
ET AL,

Defendants-Appellees.

- - - - -
Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 97-CV-203
- - - - -
November 20, 1998

Before DAVIS, DUHE', and PARKER, Circuit Judges.

PER CURIAM:*

Lewis Burton Roberts, prisoner # 92317, appeals the summary judgment dismissing of his civil rights action filed pursuant to 42 U.S.C. § 1983. Lewis has failed to demonstrate deliberate indifference to his serious medical needs with regard to his claims that available medication was substituted for unavailable medication, half band-aids were used in place of full band-aids, the defendants failed to give his crutches, he received only two antibiotics in two days, he was unable to obtain relief through

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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 prison's administrative remedy procedures, and a special brace was lost and never replaced. See Johnson v. Treen, 759 F.2d 1236, 1237 (5th Cir. 1985). At most, Roberts has shown negligence on the part of defendants. As such, his claims are not actionable under § 1983. See Farmer v. Brennan, 511 U.S. 825, 838 (1994).

This appeal is without arguable merit and thus frivolous. It is DISMISSED. See Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983); 5th Cir. R. 42.2.

Additionally, Roberts is warned that future frivolous appeals will invite the imposition of sanctions. Roberts should review any pending appeals to ensure that they do not raise frivolous arguments.

APPEAL DISMISSED; SANCTION WARNING ISSUED.