

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 98-40138
Summary Calendar

DARRYL G. DAVIS,

Plaintiff-Appellant,

versus

EDWARD L. PURVIS ET AL.,

Defendants-Appellees.

- - - - -
Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 6:96-CV-1106
- - - - -

October 8, 1998

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

PER CURIAM:*

Darryl G. Davis, Texas prisoner #691115, appeals from the dismissal of his civil rights action. Davis moves for appointment of counsel; his appointment-of-counsel motion is DENIED.

Davis asserts that he exhausted prison administrative remedies; that the magistrate judge erroneously analyzed his claims arising from the May 15, 1996, use of force against him; that prison medical personnel were deliberately indifferent to his medical needs; that the penalties he received following the

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

disciplinary hearing arising from the May 15 incident constituted punishment; that evidence at a disciplinary hearing arising from a November 3, 1996, incident involving the seizure of handcuffs from a prison guard was not credible; that the magistrate judge and the district court committed numerous procedural errors; and that the magistrate judge erred by denying his request for appointment of counsel to represent him. Davis's contentions are unavailing.

We have reviewed the record and Davis's brief and we have found no meritorious issues regarding Davis's exhaustion, excessive-force, medical-care, or disciplinary-hearing contentions. Accordingly, we dismiss the appeal for essentially the reasons relied upon by the district court. *Davis v. Purvis*, No. 6:96-CV-1106 (E.D. Tex. Jan. 13, 1998). Davis has failed to show any errors regarding the procedures followed by the district court in conjunction with the hearing pursuant to *Spears v. McCotter*, 766 F.2d 179 (5th Cir. 1985), and he has failed to brief various contentions regarding *Spears* procedures, a conspiracy between the magistrate judge and prison officials, and his contention that the district court should have appointed counsel to represent him. We do not consider those contentions. *Andrews v. Collins*, 21 F.3d 612, 632 (5th Cir. 1994).

Davis's appeal is without arguable merit and is frivolous. *Howard v. King*, 707 F.2d 215, 219-20 (5th Cir. 1983). Davis's appeal therefore is dismissed as frivolous.

APPEAL DISMISSED. 5TH CIR. R. 42.2.