

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 99-10083  
Summary Calendar

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ALONZO HOWARD PAYNE,

Plaintiff-Appellant,

versus

DR. REVELL; SUSAN SOSOBEE, also  
known as Sosebee; CAPTAIN HARRELL;  
KENNETH McCOY, Lieutenant; KARA  
GIBBS, Sergeant; DARREL W. SCHAFFER,  
Correctional Officer III,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 2:961-CV-200

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November 11, 1999

Before JOLLY, JONES, and BENAVIDES, Circuit Judges.

PER CURIAM:\*

Alonzo Howard Payne, Texas prisoner #487654, appeals the district court's summary judgment dismissal of his 42 U.S.C. § 1983 complaint as to the defendants, Dr. Timothy Revell, dietician Susan Sosebee, and Captain Robert Harrell. Payne contends that he met his burden of showing the existence of genuine issues for trial with respect to his claim that these defendants were deliberately indifferent to his serious medical needs. Payne has also filed a

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

motion for leave to file a petition for writ of mandamus. The motion is DENIED.

Payne's voluminous medical history reflects that he received extensive medical care for his diabetes. He acknowledges in his appeal brief that he "is in disagreement with his physician over the proper type of treatment." However, Payne's disagreement with the extensive medical treatment he received is not sufficient to raise a genuine issue of material fact. See Norton v. Dimazana, 122 F.3d 286, 292 (5th Cir. 1997). Furthermore, defendant Harrell is entitled to qualified immunity in connection with his efforts to accommodate Payne's medical need for food while still maintaining discipline. See Harris v. Victoria Indep. Sch. Dist., 168 F.3d 216, 223 (5th Cir. 1999). Accordingly, the district court did not err in granting summary judgment in favor of defendants Revell, Sosebee, and Harrell.

Payne has abandoned any claims against any other defendants by failing to brief adequately any argument in connection therewith. See Yohey v. Collins, 985 F.2d 222, 224-25 (5th Cir. 1993).

AFFIRMED. MOTION DENIED.