

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

February 17, 2011

Lyle W. Cayce
Clerk

No. 10-10374
Summary Calendar

MICHAEL PATRICK KENNEDY,

Plaintiff-Appellant

v.

DR. DAVID POTTER; EDDIE C. WILLIAMS; JOHN WILSON,

Defendants-Appellees

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 7:07-CV-22

Before WIENER, PRADO, and OWEN, Circuit Judges.

PER CURIAM:*

Plaintiff-appellant Michael Patrick Kennedy, Texas prisoner # 1358289, alleged under 42 U.S.C. § 1983 that Dr. David Potter, Eddie C. Williams, and John Wilson were deliberately indifferent to his medical needs. Kennedy appeals the district court's granting summary judgment and dismissing his claims. We review the district court's summary judgment de novo. *See Whittaker v. BellSouth Telecomms., Inc.*, 206 F.3d 532, 534 (5th Cir. 2000).

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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Prison officials violate the constitutional prohibition against cruel and unusual punishment when they demonstrate deliberate indifference to a prisoner's serious medical needs, thereby causing an unnecessary and wanton infliction of pain. *Wilson v. Seiter*, 501 U.S. 294, 297 (1991). A prisoner's disagreement with his medical attention and treatment, or merely negligent medical treatment, do not alone constitute deliberate indifference.

The records rebut Kennedy's allegations of deliberate indifference, showing that he was examined and evaluated numerous times for pain resulting from gunshot injuries. *See Banuelos v. McFarland*, 41 F.3d 232, 235 (5th Cir. 1995). Kennedy has not established a constitutional violation. *See Flores v. City of Palacios*, 381 F.3d 391, 393-94 (2004). The district court properly granted summary judgment and dismissed Kennedy's deliberate indifference claims. The district court's judgment is AFFIRMED.