

United States Court of Appeals
Fifth Circuit

FILED

April 30, 2004

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 03-41344
Summary Calendar

AUGUSTUS CONRAD WILLIAMS,

Plaintiff-Appellant,

versus

ROBERT HEWETT; MELISSA PEEK,

Defendants-Appellees.

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 5:02-CV-132

Before JONES, BENAVIDES, and CLEMENT, Circuit Judges.

PER CURIAM:*

Augustus Conrad Williams, Texas prisoner #615597, appeals the grant of summary judgment in favor of the defendants dismissing his in forma pauperis (IFP) 42 U.S.C. § 1983 suit alleging that the defendants were deliberately indifferent to the care of his tooth. Williams argues that the defendants were deliberately indifferent because they saw his cracked rotten

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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tooth, which they were supposed to fix, but instead caused the tooth to have to be pulled.

Williams did not satisfy his summary-judgment burden because the defendants demonstrated that Williams received treatment for his tooth. See FED. R. CIV. P. 56(c); Celotex Corp. v. Catrett, 477 U.S. 317, 324 (1986). Williams's disagreement with prison officials regarding his treatment does not give rise to a 42 U.S.C. § 1983 cause of action. See Varnado v. Lynaugh, 920 F.2d 320, 321 (5th Cir. 1991). The judgment of the district court is AFFIRMED.

The instant appeal was pending when this court imposed the "three-strikes" bar against Williams in Williams v. Rodeen, No. 03-40152 (5th Cir. Oct. 21, 2002) (unpublished). Williams is REMINDED that he remains barred under 28 U.S.C. § 1915(g) from proceeding IFP in the district court or in this court in any civil action or appeal while he is incarcerated or detained in any facility "unless [he] is under imminent danger of serious physical injury." Williams's motion for the appointment of counsel and his request for injunctive relief and punitive damages are DENIED.

AFFIRMED; MOTION FOR APPOINTMENT OF COUNSEL AND REQUEST FOR INJUNCTIVE RELIEF AND PUNITIVE DAMAGES DENIED; 28 U.S.C. § 1915(g) BAR REMAINS IN EFFECT.