

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

No. 13-60094
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

December 20, 2013

Lyle W. Cayce
Clerk

DANIEL GEORGE CORRING,

Plaintiff-Appellant

v.

PEARL RIVER COUNTY; RITA LUMPKIN,

Defendants-Appellees

Appeal from the United States District Court
for the Southern District of Mississippi
USDC No. 1:11-CV-262

Before JOLLY, SMITH, and CLEMENT, Circuit Judges.

PER CURIAM:*

Daniel George Corring, Mississippi prisoner # 170298, appeals the dismissal on summary judgment of his 42 U.S.C. § 1983 action alleging that his constitutional rights were violated by the defendants' deliberate indifference to his serious medical needs when he was a detainee in the Pearl River County jail. We affirm.

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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We find no basis in the record for crediting the complaint's conclusory contentions that Rita Lumpkin was deliberately indifferent to Corring's medical needs. *See Hathaway v. Bazany*, 507 F.3d 312, 319 (5th Cir. 2007). The record shows at most that Corring disagreed with Lumpkin about his treatment regimen or that she was arguably negligent or committed malpractice, none of which constitutes a sufficient basis for casting Lumpkin in judgment under § 1983. *See Stewart v. Murphy*, 174 F.3d 530, 534 (5th Cir. 1999); *Banuelos v. McFarland*, 41 F.3d 232, 235 (5th Cir. 1995). Additionally, as Corring failed to establish an underlying constitutional violation by Lumpkin, i.e., deliberate indifference by her to his serious medical needs, Pearl River County cannot be liable on his theory that it had an official policy of failing to train its agents. *See Hare v. City of Corinth, Miss.*, 74 F.3d 633, 649 n.4 (5th Cir. 1996) (en banc).

The judgment is AFFIRMED. Corring's motions for oral argument and for appointment of counsel are DENIED.