

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

\_\_\_\_\_  
No. 16-20449  
\_\_\_\_\_

United States Court of Appeals  
Fifth Circuit

**FILED**

December 5, 2017

Lyle W. Cayce  
Clerk

PATRICK O'NEAL JACKSON,

Plaintiff - Appellant

v.

UNIVERSITY OF TEXAS MEDICAL BRANCH; J. CHAVERS, Director of  
Operations; R. NOLAND, SPM UTMB,

Defendants - Appellees

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. 4:15-CV-3763  
\_\_\_\_\_

Before HIGGINBOTHAM, JONES, and GRAVES, Circuit Judges.

PER CURIAM:\*

Patrick O'Neal Jackson, Texas prisoner # 01861878, filed this civil rights action alleging that his Eighth Amendment rights have been violated by delays in treatment for a fungal infection. He alleges the delays in treatment occurred between June and December 2015. He alleges these delays caused him pain and suffering due to itching, swelling, and bleeding of the infected area.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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Jackson also alleges that none of the treatments he's received have been effective. He admits to being seen and treated for this problem three times in the June to December timeframe.

The district court dismissed Jackson's complaint because it found it was frivolous and failed to state a claim upon which relief may be granted. Therefore, this court reviews the dismissal *de novo*. *Coleman v. Lincoln Parish Detention Center*, 858 F.3d 307, 308-09 (5th Cir. 2017). This court has carefully considered this appeal in light of Appellant's brief and pertinent portions of the record. Having done so, we find no error in the district court's dismissal. The district court's judgment is **AFFIRMED** for essentially the same reasons articulated by that court. Jackson's motion for appointment of counsel is **DENIED**.