

United States Court of Appeals  
for the Fifth Circuit

United States Court of Appeals  
Fifth Circuit

**FILED**

March 15, 2023

Lyle W. Cayce  
Clerk

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No. 22-40153  
Summary Calendar

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TROY D. BAYLOR,

*Plaintiff—Appellant,*

*versus*

SREEDHAR POLAVAPU, M.D.,

*Defendant—Appellee.*

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Appeal from the United States District Court  
for the Eastern District of Texas  
USDC No. 1:18-CV-594

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Before JONES, STEWART, and HAYNES, *Circuit Judges.*

PER CURIAM:\*

During his confinement at the Federal Correctional Complex in Beaumont, Texas, Troy Baylor claims that he was assaulted by another inmate. He was taken to a local medical provider to treat his injuries. The doctor who treated Baylor set a follow-up appointment for four weeks later.

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\* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

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Baylor claims that the defendant, a doctor whose employer contracted with the prison, was responsible for transporting Baylor to the follow-up appointment yet failed to do so. He brought this *pro se* lawsuit against the defendant under the Federal Tort Claims Act (FTCA).

The district court adopted the magistrate judge's report and recommendation, which found that Baylor failed to exhaust his administrative remedies as required by the Section 1997e of the Civil Rights of Institutionalized Persons Act (CRIPA). On appeal, Baylor raises a single issue: that he exhausted his remedies because he filed a Federal Tort Claim form, which was reviewed and denied by prison administrators. This is wrong. The process for filing a claim under FTCA is separate from the exhaustion requirements of CRIPA. For the reasons given in the report and recommendation, Baylor has failed to exhaust under CRIPA.

**AFFIRMED.**