

UNITED STATES COURT OF APPEALS

Filed 3/25/96

TENTH CIRCUIT

STANLEY CHARLES TOPPING,

Plaintiff - Appellant,

v.

DON LAWSON and NORA KURTZ,
Security Sgt.,

Defendants - Appellees.

No. 95-1359

(D.C. No. 95-S-597)

(D. Colo.)

ORDER AND JUDGMENT*

Before PORFILIO, McKAY, and KELLY, Circuit Judges.

After examining Appellant's brief and the appellate record, this panel has determined unanimously that oral argument would not materially assist the determination of this appeal. See Fed. R. App. P. 34(a); 10th Cir. R. 34.1.9. The case is therefore ordered submitted without oral argument.

This is a pro se appeal from a § 1915(d) dismissal of a § 1983 action claiming cruel and unusual punishment. From the Plaintiff's own pleadings it is clear that this case

*This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel. The court generally disfavors the citation of orders and judgments; nevertheless, an order and judgment may be cited under the terms and conditions of 10th Cir. R. 36.3.

falls comfortably in that class of disputes over the course of medical treatment and does not remotely allege facts supporting a cruel and unusual punishment claim. Olson v. Stotts, 9 F.3d 1475, 1477 (10th Cir. 1993).

The motions for leave to appeal *informa pauperis* and the production of records are denied. The appeal is dismissed as legally frivolous pursuant to 28 U.S.C. § 1915(d).

DISMISSED. The mandate shall issue forthwith.

Entered for the Court

Monroe G. McKay
Circuit Judge