



prescriptions. Wesley states in his Complaint:

On 8/31/98, I am called forth for a scheduled appointment with Dr. Drizen, the pulmonary specialist who regularly treats my chronic allergic asthmatic respiratory condition. He performs a preliminary examination & conducts a breathing test. He notes that there's some "wheezing" occurring (sic) in my breathing passageway & that I recorded a slightly lower reading in my breathing test this time, as compared to my last examination & test. Dr. Dirzen then re-orders all of my medications, including my allergic medication, & re-schedules me to be see in (sic) pulmonary clinic again on 10/26/98.

Pl.'s Memm., ¶ 27. As Wesley has admitted he received adequate medical care and has not alleged a serious injury, the Court properly dismissed his § 1983 claim as frivolous.

It is ORDERED that the Clerk of Court will expand the record before the Court of Appeals to include all of the component parts of Wesley's Complaint.

Upon review of Wesley's claims filed pursuant to the ADA, it appears that they should not be dismissed as frivolous. Therefore, the Court requests that Court of Appeals remand this matter to allow Wesley to proceed on his ADA claim.

BY THE COURT:

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JAMES MCGIRR KELLY, J.