

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

---

No. 01-40016  
Conference Calendar

---

JOHNNY ALLEN MCDOWELL,

Plaintiff-Appellant,

versus

MARK SEACHRIST, Director, Bradshaw State Jail;  
DIXON, Warden, Bradshaw State Jail,

Defendants-Appellees.

-----  
Appeal from the United States District Court  
for the Eastern District of Texas  
USDC No. 6:99-CV-406  
-----

October 26, 2001

Before WIENER, BENAVIDES, and DENNIS, Circuit Judges.

PER CURIAM:\*

Johnny Allen McDowell, Texas prisoner # 756787, appeals the summary judgment dismissal of his civil rights complaint. McDowell argues that his constitutional right to religious freedom was violated when he was fed a meat product that purported to be beef but which actually contained pork, which he is forbidden to eat according to his religious beliefs as a Muslim. After a de novo review of the record, we affirm. Based on the summary judgment evidence, McDowell's claims, at best,

---

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

amount to claims of negligence. Negligence is not actionable under 42 U.S.C. § 1983. See Daniels v. Williams, 474 U.S. 327, 333-35 (1986); Eason v. Thaler, 14 73 F.3d 1322, 1327-28 n.2 (5th Cir. 1996); George v. King, 837 F.2d 705, 707 (5th Cir. 1988).

Accordingly, the district court's judgment is AFFIRMED.