

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 02-20136
Conference Calendar

MARK EDWARD HENRY,

Plaintiff-Appellant,

versus

GARY JOHNSON, Director, TDCJ; RICHARD C. THALER;
TIMOTHY SIMMONS; WAYNE R. SCOTT,

Defendants-Appellees.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. H-99-CV-3816

December 12, 2002

Before JOLLY, JONES, and WIENER, Circuit Judges.

PER CURIAM:*

Mark Edward Henry, Texas prisoner # 599904, appeals the district court's order granting summary judgment in favor of the defendants in his civil rights complaint pursuant to 42 U.S.C. § 1983. We review the grant of summary judgment de novo under the same standards applied in the district court. Amburgey v. Corhart Refractories Corp., 936 F.2d 805, 809 (5th Cir. 1991). Summary judgment is proper when, viewing the evidence in the

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

light most favorable to the nonmovant, “there is no genuine issue as to any material fact and . . . the moving party is entitled to judgment as a matter of law.” Id. (quoting FED. R. CIV. P. 56(c)).

The undisputed evidence shows that prison officials placed Henry in safekeeping custodial status in response to the known threat to his safety. Henry has failed to show a genuine issue for trial that the prison staff was deliberately indifferent to his safety. See Farmer v. Brennan, 511 U.S. 825, 847 (1994); Neals v. Norwood, 59 F.3d 530, 533 (5th Cir. 1995). The district court did not err in granting summary judgment in favor of the defendants.

AFFIRMED.