

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 02-60149
Conference Calendar

DARRELL LYNN BANKSTON,

Plaintiff-Appellant,

versus

JODY BRADLEY; ET AL.,

Defendants,

CORRECTIONAL CORPORATION OF AMERICA (CCA),

Defendant-Appellee.

Appeal from the United States District Court
for the Southern District of Mississippi
USDC No. 5:00-CV-127-BrS

December 12, 2002

Before JOLLY, JONES, and WIENER, Circuit Judges.

PER CURIAM:*

Darrell Lynn Bankston (# R1725), who is incarcerated at Wilkinson County Correctional Facility (WCCF), appeals the grant of summary judgment to Corrections Corporation of America (CCA). Bankston's amended complaint requested monetary damages from CCA, which operates WCCF, based on an alleged assault of Bankston by another inmate. We AFFIRM.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

As part of his claim for relief, Bankston alleged conclusionally that the assault occurred as a result of CCA's custom or policy which allowed correctional officers to double-cell inmates whom they know to be enemies of one another. With its motion for summary judgment, CCA filed a WCCF policy statement which refuted this allegation. Bankston then failed to file a response, as required by FED. R. CIV. P. 56(e). Accordingly, the district court did not err by granting CCA's motion for summary judgment. See Celotex Corp. v. Catrett, 477 U.S. 317, 322-26 (1986).

AFFIRMED.