

June 24, 2003

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 03-30326
Conference Calendar

RICKY JOSEPH ALEX,

Plaintiff-Appellant,

versus

RICHARD L. STALDER; MICHAEL LONNIE VENETIA;
LOUIS CHRISTIAN; LONNIE NAIL,

Defendants-Appellees.

Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 02-CV-2120

Before DeMOSS, DENNIS, and PRADO, Circuit Judges.

PER CURIAM:*

Ricky Joseph Alex, Louisiana prisoner # 98130, appeals the district court's dismissal as frivolous of his 42 U.S.C. § 1983 lawsuit against various employees of the Wade Correctional Center. He asserts that the district court abused its discretion in determining that the defendants had not been deliberately indifferent to his safety. Alex's claim that a snake had entered his cell without biting him and that prison officials had killed

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

the snake does not establish that the defendants deprived him "of the minimal civilized measure of life's necessities." See Palmer v. Johnson, 193 F.3d 346, 352 (5th Cir. 1999)(citation and internal quotation marks omitted). Alex is not entitled to damages for emotional distress because he did not allege a prior physical injury. See Siglar v. Hightower, 112 F.3d 191, 193-94 (5th Cir. 1997). Alex's assertions that he has been bitten by ants and spiders, for which he admitted that he received medical treatment, do not establish deliberate indifference. See id. Alex has not made a claim establishing that the defendants failed to protect him from future harm because he has not established that such future injury is "sure or very likely." See Helling v. McKinney, 509 U.S. 25, 33 (1993).

Alex has not established that the district court abused its discretion in dismissing his civil rights action as frivolous. See Siglar, 112 F.3d at 193. Consequently, the judgment of the district court is AFFIRMED.