

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 92-3912  
Conference Calendar

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WALTER SHELTON a/k/a Smith,

Plaintiff-Appellant,

versus

JACK DONNELLY, Jr., Warden,  
ET AL.,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Eastern District of Louisiana  
USDC No. CA 90 3851 H

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June 23, 1993

Before POLITZ, Chief Judge, WIENER, and DeMOSS, Circuit Judges.

PER CURIAM:\*

Walter L. Shelton filed a civil rights action against Warden Jack Donnelly of the Washington Correctional Institute and prison medical and security personnel. He alleged that his Eighth Amendment rights were violated when 1) security officers caused him to perform a work assignment that worsened his medical condition and 2) medical personnel were deliberately indifferent to his serious medical needs. In a prior opinion, we affirmed the dismissal of the medical claim and remanded for further

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\* Local Rule 47.5 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that Rule, the Court has determined that this opinion should not be published.

proceedings on the work assignment claim.

Shelton asserts that the district court correctly found that prison guards forced him to crouch on metal cans to perform his work assignment of picking grass on the prison grounds. However, he contends that, in light of his medical condition, the work assignment was cruel and unusual punishment in violation of the Eighth Amendment.

"[T]he constitutionality of a particular working condition must be evaluated in the light of the particular medical conditions of the complaining prisoner." Jackson v. Cain, 864 F.2d 1235, 1246 (5th Cir. 1989). If prison officials assign or continue work with the knowledge that it will worsen the inmate's condition, the conduct constitutes deliberate indifference to serious medical needs and is, therefore, cruel and unusual punishment. Id.

Shelton was placed on light duty status and assigned to pull grass because of an existing medical condition caused by a gunshot wound. At the hearing, there was evidence that the job was consistent with work assigned to inmates classified as light duty status. There is no showing that the defendants violated Shelton's light duty status and knowingly assigned him to work that would worsen his medical condition.

AFFIRMED.