

UNITED STATES COURT OF APPEALS
for the Fifth Circuit

No. 92-4290
Summary Calendar

JUMEAU ONNETTE,

Plaintiff-Appellant,

VERSUS

C. R. GREEN, ET AL.,

Defendants-Appellees.

Appeal from the United States District Court
for the Eastern District of Texas
(90-CV-379)

(February 26, 1993)

Before JOLLY, DUHÉ, and BARKSDALE, Circuit Judges.

PER CURIAM:¹

Appellant, an inmate of the Texas prison system, brought this civil rights case alleging claims under the First and Eighth Amendments. Following a Spears hearing, the district court dismissed all claims as frivolous except Appellant's retaliation claim against one prison guard. That claim was tried by a jury and verdict returned for defendant. Appellant appeals the dismissal and the jury verdict. We affirm.

Appellant claims that the district court erred in dismissing

¹ 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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

as frivolous under § 1915(d) his claims for deprivation of food, denial of access to the law library and the shower, and interference with his legal and personal mail. We review for abuse of discretion. Green v. McKaskle, 788 F.2d 1116, 1119 (5th Cir. 1986). The record makes clear that the district court did not abuse its discretion.

Accepting Appellant's allegations as correct, he was deprived of six meals over a period of one year. This does not violate his Eighth Amendment right to be free from cruel and unusual punishment.

He was, on one occasion, denied access to the library but alleges no prejudice to his ability to proceed with his case. Because he has not alleged such prejudice, he has not shown that he has been denied meaningful access. See Richardson v. McDonnell, 841 F.2d 120, 122 (5th Cir. 1988); Mann v. Smith, 796 F.2d 79, 83-85 (5th Cir. 1986).

He further complains that, as a result of negligent operation of the mail room, he was denied access to the courts on two occasions when his legal documents and filing fees were not mailed. Allegations of negligence, however, do not provide a basis for a § 1983 action. See Herrera v. Millsap, 862 F.2d 1157, 1160 (5th Cir. 1989). Additionally, Appellant indicated at the Spears hearing that he intended to refile one of the actions involved which would demonstrate that he suffered no prejudice.

Likewise, his allegations concerning the improper opening of his legal mail fail for lack of sufficient facts. Legal mail can

only be opened in the presence of the inmate and checked for contraband; it may not be read or copied. Tex. Dep't. Crim. J. Rule 3.9.1.6. For mail to qualify as such special mail, the sender must be adequately identified on the envelope and the phrase "special mail -- open only in the presence of the inmate" must be on the front of the envelope. There are no allegations that the mail in question satisfied these regulations.

The district court clearly did not abuse its broad discretion in dismissing these claims.

We decline to address Appellant's complaint concerning the jury verdict on his retaliation claim because he has failed to provide this Court with a transcript of the trial or with a justification for failing to provide it. See United States v. Hinojosa, 958 F.2d 624, 632-33 (5th Cir. 1992).

AFFIRMED.