IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 92-5302
Summary Calendar

ANDRE LEFFEBRE,

Plaintiff-Appellant,

v.

JAMES A. COLLINS, Director of TDCJ, ET AL.,

Defendants-Appellees.

Appeal from the United States District Court
for the Eastern District of Texas
(6:92-CV-460)

(Janury 12, 1994)

Before DAVIS, JONES, and DUHÉ, Circuit Judges.[*]

PER CURIAM:

Andre Leffebre, a Texas state prisoner at the Michael Unit, filed this § 1983 action against various TDCJ officials, alleging that the adoption of a policy of forced racial integration in cells has denied him his right to freely practice his religion, and has promoted violence in violation of the Eighth Amendment's prohibition against cruel and unusual punishment. His complaint also contends that the policy of forced racial integration violates

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

the classification standards of Lamar v. Coffield, and that his rights to religious freedom have been denied because the prison officials have denied him the right to form his own religion in prison. After a Spears hearing, the magistrate judge, who the parties agreed could decide the case, dismissed for failure to state a claim. Fed. R. Civ. Pro. 12(b)(6). We affirm.

In reviewing a dismissal for failure to state a claim under Fed. R. Civ. P. 12(b)(6), this Court must accept all well-pleaded facts as true and view them in the light most favorable to the plaintiff. Cooper v. Sheriff, Lubbock County, Texas, 929 F.2d 1078, 1082 (5th Cir. 1991). This Court may not affirm the dismissal unless "it appears 'beyond doubt that the plaintiff can prove no set of facts in support of his claim which would entitle him to relief.'" Haines v. Kerner, 404 U.S. 519, 520-21, 92 S. Ct. 594, 30 L.Ed.2d 652 (1972) (citations omitted).

Leffebre argues that the TDCJ's policy of forced racial integration in prison cells violates his right to freely practice his own religion, which preaches against a policy of forced integration of races. In Creel v. Hale, No. 92-8666 (5th Cir. May 6, 1993) (unpublished; copy attached) this Court rejected a state prisoner's claim that forced racial integration of prison cells violated his First Amendment right to freely practice his own religion.

Leffebre also contends that the policy of forced racial integration is prone to creating violent clashes between white and black inmates, and that this violates his Eighth Amendment right to

be free from cruel and unusual punishment. The Eighth Amendment does provide prisoners with the right to reasonable protection from injury at the hands of other inmates. Johnston v. Lucas, 786 F.2d 1254, 1259 (5th Cir. 1986). To make such a claim, Leffebre must demonstrate deliberate indifference on the part of prison officials. Id. at 1260.

Leffebre has not carried this burden. He has not pointed to any incident where he was the victim of racially-motivated violence. Moreover, in Crawford v. Morales, No. 93-8033 (5th Cir. Oct. 20, 1993) (unpublished; copy attached), this Court rejected a virtually identical claim by a state prisoner who asserted that the policy of forced racial integration was liable to result in violence, the fear of which had caused him severe emotional distress. See id. at 5-7. Although the Court noted that it had not yet decided the issue of whether the claim for mental injury alone could sustain a § 1983 action, the claim was rejected because, as with the instant case, the complainant had not alleged facts sufficient to demonstrate a "'pervasive risk of harm,'" or a "'failure to take reasonable steps to prevent the known risk.'" (quoting Stokes v. Delcambre, 710 F.2d 1120, 1125 (5th Cir. 1983)).

Leffebre also contends that the policy of forced racial integration violates the classification standards established in the consent decree of Lamar v. Coffield. Again, however, this claim was considered and rejected by this Court in Crawford. Crawford, No. 93-8033 at 5-6.

Finally, Leffebre argues that he should be allowed to form his own religion in prison. He contends that his religion, CABLE, is different from Protestantism, and requires its own chapel and study time. Prisoners must be afforded a reasonable opportunity to exercise the religious freedom guaranteed by the Constitution. Pedraza v. Meyer, 919 F.2d 317, 320 (5th Cir. 1990). During the Spears hearing, Leffebre conceded that he has attended the general Protestant worship services and revival, and placed into evidence religious literature and materials which he has been allowed to study, and correspondence from Dr. Bill Burk, head chaplain of CABLE. As Leffebre has reasonable opportunities to pursue his own faith, the district court properly dismissed this claim.

Leffebre also states that his due process and equal protection rights have been violated, but these issues have not been argued, briefed, or discussed on appeal. They should therefore be deemed abandoned. See Brinkmann v. Dallas County Deputy Sheriff Abner, 813 F.2d 744, 748 (5th Cir. 1987) (inadequate briefing on appeal amounts to abandonment, even for pro se litigant).

For these reasons, the judgment of dismissal is **AFFIRMED**.