

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 92-5644
Conference Calendar

MICHAEL K. DOUGLAS,

Plaintiff-Appellant,

versus

HARLON COPELAND, Sheriff,

Defendant-Appellee.

- - - - -
Appeal from the United States District Court
for the Western District of Texas
USDC No. SA-92-CA-465
- - - - -
(June 22, 1993)

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

PER CURIAM:*

Appellant Michael K. Douglas alleged in his civil rights complaint, 42 U.S.C. § 1983, and in his answers to the court's questionnaire, that on April 12, 1992, he was a pretrial detainee in the Bexar County Adult Detention Center. On that date he allegedly slipped and fell in a shower, injuring his back and causing rectal bleeding.

In his complaint, Douglas named as the sole defendant Bexar County Sheriff Harlon Copeland. Douglas alleged that the sheriff

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

was liable for his injuries and the denial of proper medical care because the sheriff failed to provide proper flooring in the shower areas and to take proper safety precautions. In his questionnaire answers, Douglas also alleged that Bexar County was liable because of its policy of improperly flooring the shower area where he fell.

The magistrate judge recommended dismissal without prejudice on grounds that Douglas failed to allege a legal or factual basis for his claims against the county and the sheriff. Douglas did not file objections to the magistrate judge's report. The district court, in effect adopting the report, dismissed the action without prejudice.

Douglas's sole contention on appeal is that Sheriff Copeland should be held liable to him on grounds that the sheriff failed to train his staff properly. He did not make any such contention in the district court. This Court has "stated that issues raised for the first time on appeal `are not reviewable by this court unless they involve purely legal questions and failure to consider them would result in manifest injustice.'" U.S. v. Garcia-Pillado, 898 F.2d 36, 39 (5th Cir. 1990) (quoting Self v. Blackburn, 751 F.2d 789, 793 (5th Cir. 1985)). Since Douglas's point involves factual questions, the Court will not consider it.

AFFIRMED.