IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 92-7601
Summary Calendar

MATTHEW THOMAS CLARKE,

Plaintiff-Appellant,

v.

JAMES A. COLLINS, Director,
Texas Dept. of Criminal Justice,
Institutional Division, ET AL.,

Defendants-Appellees.

Appeal from the United States District Court
for the Southern District of Texas
(CA-G-92-293)

(September 20, 1993)

Before GARWOOD, JONES, and EMILIO M. GARZA, Circuit Judges.*

EDITH H. JONES, Circuit Judge:

Matthew Clarke appeals the dismissal of his civil rights action complaining of working conditions at a Texas prison. We affirm in part.

On August 13, 1991, Clarke was transferred from the Michael Unit to the Ramsey I Unit to attend the Masters Program offered there. Clarke had previously worked as a unit supply clerk

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

at the Michael Unit, but soon learned, much to his chagrin, that all inmates transferring to the Ramsey I Unit to attend the Masters Program are placed on the agricultural line unless their medical classification prevents field work. Clarke was assigned to the agricultural line.

His complaint, which contains 169 numbered paragraphs and 128 pages of exhibits, sets forth in minute detail a litany of events that he claims deprived him of rights secured by the Constitution or laws of the United States. Specifically, Clarke asserts that between August 31, 1991 and December 17, 1991, he was strip searched each day returning from the field both at midday and in the evening, regardless of the weather; that he received insufficient time to take a shower, was not allowed to bring his shower shoes or his own soap into the shower, and was therefore subjected to exposure to the AIDS virus; that he was forced to work in the fields in the rain and was exposed to danger from lightning; that he worked in slippery, muddy conditions in a line of field workers who might slip and injure him with their hoes; that he occasionally had to pick cotton covered with chemical residues, which on one occasion caused his hands to become itchy and swollen; that he was forced to unload sacks of cotton into a trailer by climbing a ladder without rails; that he was bitten by fire ants when he had to work in an antbed one day; that on two days he was required to turn out to work when the morning temperature registered between 31 and 35 degrees Fahrenheit, wearing only a light cotton jacket; and that he fell into a hole and injured his

knee but was forced to work the next day in pain even though he had been given a medical lay-in and an ice pack on the day of the injury by clinic personnel. These work conditions, he contends, caused him mental anguish, anxiety, and fear, as well as pain and injury from ant bites, poison ivy, and the knee injury. Clarke was reassigned to the laundry in January 1992, but because he is concerned that he might be transferred to the field force, he seeks declaratory and injunctive relief in addition to damages.

A prison inmate has no constitutional right to a job of his choice and cannot base a civil rights action on general dissatisfaction with a job assignment. Harris v. Greer, 750 F.2d 617, 618 (7th Cir. 1984). The Constitution does not mandate comfortable prisons, and to the extent that conditions of confinement may be restrictive and even harsh, they are ordinarily considered part of the penalty that criminal offenders pay for their offenses against society. See Rhodes v. Chapman, 452 U.S. 337, 347, 101 S. Ct. 2392, 2399, 69 L.Ed.2d 59 (1981). An inmate's feeling that he is being treated harshly, without more, does not qualify him for relief under section 1983. Rather, the Eighth Amendment's prohibition against cruel and unusual punishment requires a demonstration of "unnecessary and wanton infliction of pain." Whitley v. Albers, 475 U.S. 312, 319, 106 S. Ct. 1078, 1084, 89 L.Ed.2d 251 (1986). Though Clarke has convinced this court that he is no Thoreau, he has not demonstrated that his work on the agricultural line meets the threshold requirements for an Eighth Amendment claim.

The uncomfortable conditions Clarke painstakingly describes, including the episodes with fire ants, poison ivy, cold weather, and cotton picking, do not raise questions of constitutional magnitude. They are simply part of working the agricultural line. As such, they represent "a de minimis level of imposition with which the Constitution is not concerned." Simons v. Clemons, 752 F.2d 1053, 1056 (5th Cir. 1985). Clarke's complaints about strip searches are likewise meritless. There is no doubt that prison officials may constitutionally conduct strip searches to maintain prison security. Hay v. Waldron, 834 F.2d 481, 486 (5th Cir. 1987).

Clarke's allegations involving his knee injury and exposure to the AIDS virus are similarly groundless. That Clarke was ordered to work in the fields picking cotton the day after his knee injury does not demonstrate that prison officials exhibited deliberate indifference in failing to attend to his serious medical needs. See Estelle v. Gamble, 429 U.S. 97, 104, 97 S. Ct. 285, 291, 50 L.Ed.2d 251 (1976). Clarke concedes that he received adequate treatment for his knee injury. We likewise reject Clarke's claim that he was needlessly exposed to the AIDS virus and other diseases in the common showers. This claim is speculative and, at best, alleges negligence on the part of prison officials. Allegations of negligence do not state a claim under section 1983. See Daniels v. Williams, 474 U.S. 327, 106 S. Ct. 662, 88 L.Ed.2d 662 (1986).

Clarke next argues that the violation of prison policies constitutes a deprivation of due process. The district court did not address Clarke's assertion that prison policies, which allegedly created a liberty interest in certain working conditions, had on occasion been violated. Whether any due process claim exists under the law and the facts pled by Clarke, we will not speculate. This claim alone must be remanded to the district court for further evaluation.

For the foregoing reasons, the district court's dismissal of Clarke's complaint was in large part not an abuse of discretion. The judgment is **AFFIRMED** in Part, **VACATED** and **REMANDED** in Part.