

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 93-3547
Conference Calendar

JOHNNY MOORE, JR.,

Plaintiff-Appellant,

versus

CHARLES C. FOTI, JR., Sheriff of
the Orleans Parish Sheriff Department,

Defendant-Appellee.

- - - - -
Appeal from the United States District Court
for the Eastern District of Louisiana
USDC No. CA-93-126-M-3
- - - - -
(May 18, 1994)

Before HIGGINBOTHAM, BARKSDALE, and EMILIO M. GARZA, Circuit Judges.

PER CURIAM:*

The district court's determination that conditions in the Orleans Parish Prison central lockup cells do not violate either the Eighth or the Fourteenth Amendment is not clearly erroneous. Anderson v. City of Bessemer City, N.C., 470 U.S. 564, 573-74, 105 S.Ct. 1504, 84 L.Ed.2d 518 (1985); see Rankin v. Klevenhagen, 5 F.3d 103, 106 (5th Cir. 1993).

The conditions found by the district court are not comparable to those which this Court has found cruel and unusual.

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

See McCord v. Maggio, 927 F.2d 844, 846-48 (5th Cir. 1991); see also Rhodes v. Chapman, 452 U.S. 337, 347, 101 S.Ct. 2392, 69 L.Ed.2d 59 (1981). Further, the appellant, Johnny Moore, Jr., has failed to establish that prison officials acted with deliberate indifference to his needs. Wilson v. Seiter, 501 U.S. 294, 111 S.Ct. 2321, 2327, 115 L.Ed.2d 271 (1991).

Moore has also failed to demonstrate a violation of the Fourteenth Amendment because he has not shown that the conditions of confinement of which he complains were imposed as punishment. Bell v. Wolfish, 441 U.S. 520, 535, 99 S.Ct. 1861, 60 L.Ed.2d 447 (1979).

AFFIRMED.