

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 93-5474
Conference Calendar

LAWRENCE EDWARD THOMPSON,

Plaintiff-Appellant,

versus

DR. KERRY RASBERRY ET AL.,

Defendants-Appellees.

- - - - -
Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 6:91cv244
- - - - -
(July 21, 1994)

Before POLITZ, Chief Judge, and JOLLY and DAVIS, Circuit Judges.

PER CURIAM:*

This case is before the Court following remand to the district court for a determination of the timeliness of Thompson's written objections to the magistrate judge's report. See Thompson v. Rasberry, 993 F.2d 513, 515-16 (5th Cir. 1993). Following remand, the district court found that the objections were not timely filed.

This Court reviews factual findings under the "clearly erroneous" standard. Fed. R. Civ. P. 52, Johnston v. Lucas, 786

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

F.2d 1254, 1257 (5th Cir. 1986). A district court's findings of fact are not clearly erroneous if they are "plausible in light of the record viewed in its entirety[.]" Anderson v. City of Bessemer City, 470 U.S. 564, 573-74, 105 S.Ct. 1504, 84 L.Ed.2d 518 (1985). Thompson's allegations show that he deposited the envelope in question in the prison mail on November 18, 1991, without his name and number on the envelope. Thompson was given a written explanation from the mail system coordinator's panel that his envelope was returned because it was not in compliance with Rule 3.9.1.1 and that it had been opened for the purpose of discovering the identity of the sender so that the letter could be returned. Correspondence Rule 3.9.1.1 under Rules and Instructions Regarding General Correspondence states that an inmate's name, number, and current address must appear on each outgoing envelope. Thompson has not identified and a reading of the correspondence rules has not uncovered an exception to this rule for self-addressed envelopes from the district court. The district court was not clearly erroneous in finding that Thompson did not place a proper return address on the envelope containing his objections and that the letter was not in compliance with prison mail regulations.

This Court held that:

[A] pro se prisoner's written objections to a magistrate's report and recommendations must be deemed filed and served at the moment they are forwarded to prison officials for delivery to the district court. This ruling, however, does not relieve a prisoner of the responsibility of doing all that he or she can reasonably do to ensure that documents are received by the clerk of court in a

timely manner. Failure to stamp or properly address outgoing mail or to follow reasonable prison regulations governing prisoner mail does not constitute compliance with this standard.

Thompson, 993 F.2d at 515 (citation omitted). In this case, Thompson failed to place his return address on the mail and this was a violation of prison regulation. Thompson has not shown that this was an unreasonable regulation. As a result, the district court was correct in concluding that Thompson had not timely filed his objections because they were not delivered in an appropriate condition to the prison mail room before the deadline of November 20, 1991. See Dison v. Whitley, ___ F.3d ___, No. 92-4939, 1994 WL 142466, at *1-2 (5th Cir. May 9, 1994).

AFFIRMED.