

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 93-5500  
Conference Calendar

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MCARTHUR COLEMAN,

Plaintiff-Appellant,

versus

F. PEREZ, CO III,

Defendant-Appellee.

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Appeal from the United States District Court  
for the Eastern District of Texas  
USDC No. 6:92-CV-686

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(November 16, 1994)

Before JONES, DUHÉ, and PARKER, Circuit Judges.

PER CURIAM:\*

McArthur Coleman, a prisoner in the Texas Department of Criminal Justice - Institutional Division (TDCJ-ID), Michael Unit, filed a complaint under 42 U.S.C. § 1983 against Corrections Officer Fabian Perez alleging that Perez struck him in the eye with no provocation. The standard for complaints for the use of excessive force by prison personnel is set forth in Hudson v. McMillian, \_\_\_ U.S. \_\_\_, 112 S. Ct. 995, 999, 117 L. Ed. 2d 156 (1992). The Supreme Court held that "whenever prison officials stand accused of using excessive physical force in

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

violation of the Cruel and Unusual Punishments Clause, the core judicial inquiry is . . . whether force was applied in a good-faith effort to maintain or restore discipline, or maliciously and sadistically to cause harm." Id.

Following a bench trial, the magistrate judge granted Coleman no relief and dismissed his action with prejudice. The factual findings supporting the conclusion of the magistrate judge will be overturned only if they are clearly erroneous. See Fed. R. Civ. P. 52(a); Irby v. Sullivan, 737 F.2d 1418, 1427 (5th Cir. 1984). A review of the record shows that the magistrate judge was not clearly erroneous in his fact-finding. Applying the Hudson factors to the magistrate judge's fact-finding supports his conclusion that Coleman suffered no constitutional deprivation. Hudson, 962 F.2d at 523.

AFFIRMED.