

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 93-7672  
Conference Calendar

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RONALD DWAYNE WHITFIELD,

Plaintiff-Appellant,

versus

TDCJ OFFICIALS,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. 93-CV-257  
- - - - -  
(March 22, 1994)

Before KING, DAVIS, and DeMOSS, Circuit Judges.

PER CURIAM:\*

Ronald Dwayne Whitfield filed a pro se, in forma pauperis (IFP) complaint alleging that he was handcuffed wrist-to-ankle during an eight-hour bus trip in violation of the Eighth Amendment. The district court dismissed the complaint as frivolous.

A complaint filed IFP can be dismissed sua sponte if the complaint is frivolous. 28 U.S.C. § 1915(d); Cay v. Estelle, 789 F.2d 318, 323 (5th Cir. 1986). A complaint is frivolous if it

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

lacks an arguable basis in law or fact. Ancar v. Sara Plasma, Inc., 964 F.2d 465, 468 (5th Cir. 1992). This Court reviews the district court's dismissal for an abuse of discretion. Id.

Whitfield's claim that prison guards violated the Eighth Amendment by handcuffing him ankle-to-wrist during an eight-hour bus trip is subject to the deliberate indifference standard of Estelle v. Gamble, 429 U.S. 97, 97 S.Ct. 285, 50 L.Ed.2d 251 (1976). See Wilson v. Seiter, \_\_\_ U.S. \_\_\_, 111 S.Ct. 2321, 2326-27, 115 S.Ct. 271 (1991). Whitfield was handcuffed only after two other prisoners fought on the bus. The prison guards acted to secure the prisoners and prevent other fights, and their actions were reasonable under the circumstances. Whitfield has not alleged a cognizable Eighth Amendment violation.

For the first time on appeal Whitfield argues that the district court erred by not permitting him to amend his complaint. Issues raised for the first time on appeal are reviewable only if they involve purely legal questions and failure to consider them would result in manifest injustice. First United Financial Corp. v. Specialty Oil Co., Inc. --I, 5 F.3d 944, 948 (5th Cir. 1993). Five months elapsed between the filing of the complaint and the dismissal of the complaint, but Whitfield never requested leave to amend his complaint. His new allegations are unrelated to the allegations in the original complaint. This Court will not address the issue.

AFFIRMED.