

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 94-11073
Conference Calendar

BLIDE BRYANT,

Plaintiff-Appellant,

versus

J. M. DUKE, Warden,
TDCJ Middleton Unit,

Defendant-Appellee.

- - - - -
Appeal from the United States District Court
for the Northern District of Texas
USDC No. 1:94-CV-86
- - - - -

March 21, 1995

Before GARWOOD, BARKSDALE, and STEWART, Circuit Judges.

PER CURIAM:*

Blide Bryant filed a civil rights complaint, 42 U.S.C. § 1983, alleging that his constitutional rights were violated because the mail procedures at the John W. Middleton State Transfer Facility were insufficient, and he was disciplined for refusing to work as a result of the deficient mail system. The district court dismissed the complaint as frivolous.

To the extent that Bryant is arguing that he was denied access to the courts because of the mailroom procedures, a

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

plaintiff cannot state a cognizable denial-of-access-to-the-courts claim if the plaintiff's position was not prejudiced by the alleged deprivation. Henthorn v. Swinson, 955 F.2d 351, 354 (5th Cir.), cert. denied, 112 S.Ct. 2974 (1992). Bryant alleged that he was unable to mail a document to this court on May 3, 1994, but admitted that he was able to mail the motion the next day and does not allege that any prejudice occurred as a result of the one-day delay. He has not alleged a cognizable denial-of-access-to-the-courts claim.

To the extent that Bryant argues that the failure to provide locked mailboxes violates TDCJ-ID rules, he also cannot allege a cognizable § 1983 claim. An alleged violation of a prison regulation without more does not give rise to a constitutional violation. Hernandez v. Estelle, 788 F.2d 1154, 1158 (5th Cir. 1986). The failure to provide locked mailboxes resulted only in a one-day delay in mailing letters and did not amount to an independent constitutional violation.

To the extent that Bryant sought equitable relief, this claim is moot because Bryant has been transferred to the Robertson unit. Cooper, 929 F.2d at 1084; Gillespie v. Crawford, 858 F.2d 1101, 1103 (5th Cir. 1988).

Bryant also argues that he was punished without due process because there was no evidence that he refused to work without a legitimate excuse. Punishment cannot be imposed on a prisoner without due process. See Cooper v. Sheriff, Lubbock County, Tex., 929 F.2d 1078, 1084 (5th Cir. 1991). When minor disciplinary sanctions are imposed, due process requires only

notice of the charges and an opportunity to respond. Id. at 1083; see Hewitt v. Helms, 459 U.S. 460, 476 (1983).

The federal courts have a narrow role in the review of prison proceedings. Stewart v. Thigpen, 730 F.2d 1002, 1005 (5th Cir. 1984). If a prisoner is provided with a procedurally adequate hearing prior to the imposition of disciplinary sanctions, there is no constitutional violation. Id. at 1005-06. Federal review of the sufficiency of the evidence of prison disciplinary findings is limited to determining whether the finding is supported by any evidence at all. Id. Bryant admits that he did not turn out for work and that the disciplinary officer did not accept his proffered excuse. Therefore, there is some evidence to support the finding of guilt, and Bryant was not punished without due process.

AFFIRMED.