IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

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No. 94-20113
Conference Calendar

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RONALD DWAYNE WHITFIELD,

Plaintiff-Appellant,

versus

JOHNNY KLEVENHAGEN, Sheriff,

Defendant-Appellee.

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Appeal from the United States District Court
for the Southern District of Texas
USDC No. CA-H-93-1701

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(May 19, 1994)

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

PER CURIAM:*

Ronald Dwayne Whitfield filed a pro se, in forma pauperis (IFP) civil rights complaint alleging that several prison guards used excessive force to get his fingerprints after he refused to comply with their order. 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 lacks an arguable basis in law or fact. Ancar v. Sara Plasma,

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

Inc., 964 F.2d 465, 468 (5th Cir. 1992). This Court reviews the district court's dismissal for an abuse of discretion. Id.

To establish an Eighth Amendment excessive force claim a prisoner must show that the force was not applied "in a good faith effort to maintain or restore discipline," but rather the force was administered "maliciously and sadistically to cause harm." Rankin v. Klevenhagen, 5 F.3d 103, 107 (5th Cir. 1993) (internal quotations and citations omitted). Although prisoner does not need to show a significant injury, he must have suffered at least some injury. Jackson v. Culbertson, 984 F.2d 699, 700 (5th Cir. 1993). In response to the order to file a more definite statement, Whitfield admitted that he received no injuries and that he required no medical treatment. Because Whitfield suffered no injuries the use of force was de minimis and did not violate the Eighth Amendment. See Jackson, 984 F.2d at 700.

AFFIRMED.