

UNITED STATES COURT OF APPEALS  
for the Fifth Circuit

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No. 94-20298  
Summary Calendar

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EDWARD S. HODGES, III,

Plaintiff-Appellant,

VERSUS

FNU OWENS, Literature Instructor for Lee College,  
JOHNETTE HODGIN, Dean, and DAVID C. OWENS,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Southern District of Texas  
(CA-H-93-1088)

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(November 17, 1994)

Before DUHÉ, WIENER, and STEWART, Circuit Judges.

PER CURIAM:<sup>1</sup>

The district court dismissed Appellant's § 1983 suit because, among other reasons, the force he alleged was used against him did not rise to constitutional dimensions under Hudson v. McMillian, 112 S. Ct. 995 (1992). Appellant presented no non-frivolous claims. He alleged no physical injury in either his original or his amended complaint. Mouille v. City of Live Oak, 918 F.2d 548, 554 (5th Cir. 1990). His allegation of mental injury as a result of verbal abuse is likewise insufficient to state a constitutional

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<sup>1</sup> 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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

claim. Bender v. Brumley, 1 F.3d 271, 274 n.4 (5th Cir. 1993). Our review of the record convinces us that this was correct, therefore we do not discuss the numerous other issues Appellant raises.

AFFIRMED. Motion DENIED.