

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 94-20591

Summary Calendar

OTIS RUDD,

Plaintiff-Appellant,

versus

VINCENT S. MUSGROVE AND JOHN A. ATCHLEY,

Defendants-Appellees.

Appeal from the United States District Court
for the Southern District of Texas
(CA-H-92-2831)

(June 6, 1995)

Before GARWOOD, HIGGINBOTHAM, and DAVIS, Circuit Judges.

PER CURIAM:*

Robinson's testimony was consistent with Rudd's having provoked the use of force. Barrera's testimony and the videotape of Rudd's injuries contradicted Rudd's account of his injuries. Musgrove and Postin's testimony explained why an inmate's provocation might not result in disciplinary proceedings. Because

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

the district court's findings of fact were not clearly erroneous,
we AFFIRM.