IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 94-40889
Conference Calendar

TOMMIE CHARLES CLEWIS
ET AL.,

Plaintiffs,

RICHARD JAMES RANDLE,

Plaintiff-Appellant,

versus

ANDERSON COUNTY COMMISSIONER'S
COURT, and its Officers,
ET AL.,

Defendants-Appellees.

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Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 6:93-CV-448
- - - - - - - - - -
June 28, 1995

Before JONES, WIENER, and EMILIO M. GARZA, Circuit Judges.

PER CURIAM:*

An in forma pauperis (IFP) complaint may be dismissed as frivolous pursuant to 28 U.S.C. § 1915(d) if it has no arguable basis in law or in fact. Booker v. Koonce, 2 F.3d 114, 115 (5th

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 Pursuant to that Rule, the court has determined that this opinion should not be published.

Cir. 1993). This court reviews a § 1915(d) dismissal under the abuse-of-discretion standard. Id.

Richard James Randle was a pretrial detainee at Anderson County Jail during a portion of the time that his rights were allegedly violated. "[W]hile a sentenced inmate may be punished in any fashion not cruel and unusual, the due process clause forbids punishment of a person held in custody awaiting trial but not yet adjudged guilty of any crime." Cupit v. Jones, 835 F.2d 82, 84-85 (5th Cir. 1987) (internal quotation omitted). Randle's claims fail irrespective of whether they are analyzed within an Eighth Amendment or a due process framework.

Randle first complains that, although he could order legal books from the Anderson County Jail law library, he was denied direct access to that library. To prevail on a denial-of-access-to-the-courts claim, the claimant must show he was prejudiced by the alleged violation. Henthorn v. Swinson, 955 F.2d 351, 354 (5th Cir.), cert. denied, 112 S. Ct. 2974 (1992). Randle did not plead any facts raising an allegation that he was precluded from filing a particular pleading as a result of the lack of direct access to the law library. Thus, his right of access to the courts has not been implicated.

Randle also contends that the prison food at Anderson County Jail was inadequate. The Constitution requires no more than "well-balanced meals, containing sufficient nutritional value to preserve health." Green v. Ferrell, 801 F.2d 765, 770 (5th Cir. 1986) See id. at 770 n.5 (clarifying that this standard applies to pretrial detainees as well as to convicted prisoners). Randle

acknowledged that he received three meals a day while at Anderson County Jail, and he did not plead any facts raising an allegation that the food was nutritionally inadequate or prepared under unsanitary conditions. There is no indication that Randle's health was adversely affected by the jail food at Anderson County Jail. Thus, Randle's claim of inadequate food fails to rise to the level of a constitutional deprivation.

Randle also complains that an inmate at Anderson County Jail was given authority over other inmates. However, Randle did not plead any facts raising an allegation of injury to him caused by the deprivation of a constitutional right. A 42 U.S.C. § 1983 cause of action requires an injury. Memphis Community School Dist. v. Stachura, 477 U.S. 299, 308-09 (1986).

In his brief on appeal, Randle mentions his claims raised in the district court pertaining to inadequate recreation and medical care, but does not provide any supporting argument. By not adequately briefing these claims, Randle has waived them. See Yohey v. Collins, 985 F.2d 222, 224-25 (5th Cir. 1993).

The magistrate judge did not abuse her discretion by dismissing Randle's claims because none of them is arguable in law or in fact. See Booker, 2 F.3d at 115.

AFFIRMED.