

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 94-60680

Summary Calendar

JERRY E. EASLEY,

Plaintiff-Appellant,

versus

BRIAN W. RODEEN, Building Manager,
et al.,

Defendants-Appellees.

Appeal from the United States District Court
for the Southern District of Texas
(C.A. C-92-323 c/w C-92-333)

(May 19, 1995)

Before GARWOOD, HIGGINBOTHAM, and DAVIS, Circuit Judges.

PER CURIAM:*

Jerry E. Easley, a Texas state prisoner, filed a § 1983 action alleging that while incarcerated at the McConnell Unit in Beeville, Texas, the defendants retaliated against him for writ writing and acted with deliberate indifference towards his medical needs. The district court conducted a Spears hearing and dismissed Easley's complaint. We affirm in part and vacate and remand in part.

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

I.

Easley suffers from lung cancer and a host of respiratory and other physical ailments. From October to December 1992, Easley lived in the McConnell Unit and was assigned to a cell with an inmate that chain-smoked five packs of cigarettes a day. Easley objected to his cell placement, and in December 1992, prison officials moved him to a more suitable location. While in the McConnell Unit, though, prison officials had assigned Easley to work in the Unit's garment factory despite Easley's request to be placed in the law library and despite the fact that lint and dust in the factory would aggravate Easley's condition.

Easley claims that the McConnell Unit prison officials were aware of his medical needs and yet chose work and cell assignments that were deliberately indifferent to those needs. In addition, he claims that the officials assigned him to work in the factory rather than in the law library because they did not want a writ writer working in the library.

Easley filed suit against four prison officials. The officials moved to dismiss the complaint on qualified immunity grounds. The district court, after conducting a Spears hearing, held that Easley had not stated a claim. Specifically, the court found that "the department used all due speed" in moving Easley to a more suitable location. Easley filed this timely appeal.

II.

A prison official violates a prisoner's constitutional rights when he is deliberately indifferent to the serious medical needs of that prisoner. See Helling v. McKinney, 113 S. Ct. 2475, 2480 (1993). Easley's allegation states sufficient facts to overcome a motion to dismiss. In October 1992, it was well established that "conditions of confinement which expose inmates to . . . identifiable health threats implicate the guarantees of the Eighth Amendment." Wilson v. Lynaugh, 878 F.2d 846, 849 (5th Cir.), cert. denied, 493 U.S. 969 (1989). Taking Easley's allegation as true, the prison officials' actions were not objectively reasonable. Accordingly, the court improperly dismissed Easley's medical claim.

The court also erred in dismissing Easley's retaliation claim. Easley alleges that in retaliation for his writ writing, McConnell Unit prison officials knowingly placed him in a cell with a chain smoker and assigned him to work in the garment factory. Easley has raised an issue of material fact regarding the motives behind the prison authorities' cell placement and work assignment decisions. While Easley has no constitutional right to a specific cell or work assignment, prison authorities may not retaliate against Easley's exercise of his First Amendment rights. See Jackson v. Cain, 864 F.2d 1235, 1247-48 & n.3. (5th Cir. 1989).

III.

For the foregoing reasons, we vacate and remand Easley's medical and retaliation claims. Easley has raised other issues on

appeal, but we find them without merit and affirm the district court's dismissal of those claims.

AFFIRMED IN PART, VACATED AND REMANDED IN PART.