

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 94-60695
Summary Calendar

LEONARD RAY WOFFORD,

Plaintiff-Appellant,

versus

JAMES A. LYNAUGH, ET AL.,

Defendants,

JAMES A. LYNAUGH, ET AL.,

Defendants-Appellees.

Appeal from the United States District Court for
the Southern District of Texas
(89 CV 141)

September 15, 1995

Before REAVLEY, DUHÉ and WIENER, Circuit Judges.

PER CURIAM:*

Leonard Ray Wofford, an inmate at a Texas Department of Corrections facility, sued various prison officials and employees for violations of his constitutional rights under 42 U.S.C. § 1983. The district court directed a verdict on a claim that

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

Wofford was denied access to the courts and on a separate claim alleging deliberate indifference to serious medical needs. The jury returned a verdict for defendants on all remaining issues. The court denied Wofford's motion for new trial. Wofford appeals, contending that the court erred in granting a directed verdict on the access to courts claim and in denying his motion for a new trial. No complaint is made with respect to the ruling on medical need. We affirm.

DISCUSSION

A. Directed Verdict on Court Access Claim

Wofford contends that papers prepared by him with the assistance of a fellow inmate in preparation for filing his § 1983 suit were confiscated by one of the prison guards, Captain Hatt. There was no evidence presented at trial supporting Wofford's allegation that Hatt confiscated the legal papers. One of the inmates testified that someone took some property from Wofford's cell. This witness could not state who removed the property or whether the legal papers were among the property removed. In order to prevail on this claim, Wofford needed to show intentional interference with his access to the courts. Richardson v. McDonnell, 841 F.2d 120, 122 (5th Cir. 1988). Wofford has merely alleged intentional interference. The court did not err in directing a verdict in the defendants' favor with respect to this claim.

B. Denial of Motion for New Trial

Wofford moved for a new trial in this case based on the racial composition of the jury panel and the admission of a *nolo contendere* plea into evidence. The district court denied the motion. On appeal, Wofford does not appeal the court's denial based on jury composition or the plea's entry into evidence.¹ Instead, he contends that the court erred in denying his motion because the verdict was against the great weight of the evidence. Wofford did not move for a directed verdict on sufficiency of the evidence in the district court. In addressing a similar claim that a jury's verdict denying relief to a detainee on his section 1983 claims was against the great weight of the evidence, this court held that "absent a motion for directed verdict in the district court our inquiry is restricted to `whether there was any evidence to support the jury's verdict, irrespective of its sufficiency, or whether plain error was committed which, if not noticed, would result in a `manifest miscarriage of justice.'" Bender v. Brumley, 1 F.3d 271, 275 (5th Cir. 1993)(citation omitted). In Wofford's case, there is evidence in the record to support the jury's verdict.

AFFIRMED.

¹ We note that, based on our examination of the record before us, the court did not abuse its discretion in denying the motion for new trial on these grounds.