

UNITED STATES COURT OF APPEALS  
For the Fifth Circuit

---

No. 95-40639  
Summary Calendar

---

DAWUD MALIK, also known as Kenneth D. Collins,  
Plaintiff-Appellant,

VERSUS

DENNY M. TOMPKINS, JR., Correction Officer;  
CESAR E. SAENZ, Correction Officer;  
TRAVIS P. TOWNLEY, Correction Officer,  
Defendants-Appellees.

---

Appeal from the United States District Court  
For the Eastern District of Texas, Tyler  
(6:95-CV-55)

---

November 2, 1995  
Before HIGGINBOTHAM, DUHÉ, and EMILIO M. GARZA, Circuit Judges.

PER CURIAM:<sup>1</sup>

Appellant, a Muslim prisoner in the custody of the Texas Department of Criminal Justice, sued several correctional officers under 42 U.S.C. § 1983 alleging that they violated his rights under the Religious Freedom Restoration Act of 1993 by serving him three meals in a five day period which contained pork. The district court dismissed the claim as frivolous under § 1915(d). We affirm.

---

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

The facts alleged in the complaint, as expanded at the Spears hearing, which we accept as true, do not constitute a substantial burden on Appellant's exercise of religion (and are, therefore, not a violation of the Act) nor do they constitute a violation of any constitution right.

AFFIRMED.