

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-40656
Conference Calendar

EDWARD LEE WILLIAMS,

Plaintiff-Appellant,

versus

J.B. SMITH, Smith County, TX Sheriff;
SMITH COUNTY JAIL; MEDICAL DEPARTMENT,
Medical Department of Smith County Jail,

Defendants-Appellees.

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Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 6:94-CV-1014
- - - - -

March 1, 1996

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

PER CURIAM:*

Edward Lee Williams appeals the dismissal, as frivolous, of his civil rights suit. Williams argues that he was subjected to cruel and unusual punishment when he was placed in a tank housing homosexual inmates and that the jail's guards were indifferent to his safety once he was placed in the tank. He argues for the first time on appeal that he was placed in the tank without being given the procedural protections normally afforded a prisoner

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

facing a disciplinary action. We do not address this issue. See Varnado v. Lynaugh, 920 F.2d 320, 322 (5th Cir. 1991).

We have reviewed the record and the magistrate judge's opinion and find no reversible error. Accordingly, we AFFIRM for essentially the reasons given by the magistrate judge.