

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-30098
Summary Calendar

EVARISTUS MACKEY,

Plaintiff-Appellant,

versus

MIKE GILLIAM, Warden, Et Al.,

Defendants,

MIKE GILLIAM, Warden,

Defendant-Appellee.

Appeal from the United States District Court
for the Western District of Louisiana
(93-CV-1535)

January 10, 1997

Before SMITH, DUHÉ, and BARKSDALE, Circuit Judges.

PER CURIAM:*

Evaristus Mackey, Louisiana inmate # 317335, appeals from a judgment for the defendants in his 42 U.S.C. § 1983 civil rights action, in which he claimed that the defendants violated his due process rights by failing to give him breaks from isolated confinement and that the prison's policy of removing bedding from

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

his cell during nonsleeping hours violated the Eighth Amendment's prohibition against cruel and unusual punishment. We **AFFIRM** the judgment for essentially the reasons stated by the district court. ***Mackey v. Gilliam***, No. 93-CV-1535 (W.D. La. Nov. 9, 1994, and Jan. 18, 1996) (unpublished).

AFFIRMED