

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 97-30032  
Summary Calendar

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BRIAN K. CHISHOLM,

Plaintiff-Appellant,

versus

C. COLL, Badge # 375,

Defendant-Appellee.

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Appeal from the United States District Court  
for the Eastern District of Louisiana  
USDC No. 96-CV-976  
- - - - -

August 19, 1997

Before JONES, SMITH, and STEWART, Circuit Judges.

PER CURIAM:\*

Brian K. Chisholm, Louisiana prisoner # 323477, argues that the district court erred in dismissing his 42 U.S.C. § 1983 excessive-force claim against the defendant Deputy Coll. Chisholm contends that he established that he was injured by the defendant's use of excessive force.

Chisholm did not file specific objections to the factual findings and legal conclusions of the magistrate judge. Therefore, the dismissal of his suit must be reviewed for plain

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\* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

error only. See Douglass v. United Services Auto. Ass'n, 79 F.3d 1415, 1428-29 (5th Cir. 1996)(en banc).

Chisholm has not demonstrated that the district court plainly erred in rejecting the verity of Chisholm's testimony and in determining that Deputy Coll used a reasonable degree of force to control a discipline problem created by Chisholm. Nor has Chisholm demonstrated that the district court plainly erred in determining that Chisholm did not suffer a serious injury as a result of the incident. The district court's factual findings support its legal conclusion that Deputy Coll did not employ excessive force in violation of Chisholm's constitutional rights. See Rankin v. Klevenhagen, 5 F.3d 103, 106 (5th Cir. 1993).

Nor has Chisholm shown that the district court plainly erred in its determination that the use of offensive language by the deputy was not sufficient to give rise to a constitutional violation. Mere allegations of verbal abuse and threats by prison officials do not state a claim under § 1983. See Bender v. Brumley, 1 F.3d 271, 274 n.4 (5th Cir. 1993). Chisholm has not demonstrated that the district court committed error, plain or otherwise.

AFFIRMED.