

UNITED STATES COURT OF APPEALS  
for the Fifth Circuit

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No. 92-7399  
Summary Calendar

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WILLIAM S. KUEVER

Plaintiff-Appellant,

VERSUS

JOE BOND, ET AL,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Southern District of Mississippi  
(CA H91 0042 (R) (N))

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(January 5, 1992)

Before JOLLY, DUHÉ, and BARKSDALE, Circuit Judges.

PER CURIAM:<sup>1</sup>

Appellant, an inmate in the Mississippi prison system, sued under § 1983 alleging that his First Amendment rights were infringed by the Appellees when they refused to deliver to him a nude photograph sent to him in the mail. The district court dismissed for failure to state a claim. We find no error and affirm.

The reason given for confiscation of the photograph was that its delivery was contrary to regulations. We note that the authorities

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

did not state that the photo was either pornographic or sexually explicit. Nor did they specifically state which regulations provided against its delivery.

Censorship of mail implicates prisoners' first amendment rights. McNamara v. Moody, 606 F.2d 621, 623 (5th Cir. 1979), cert. denied, 447 U.S. 929 (1980). Censorship is allowed if it is "reasonably related to legitimate penological interests." Powell v. Estelle, 959 F.2d 22, 24 (5th Cir. 1992); petition for cert. filed, Aug. 26, 1992). When we examine the matter in the light of the factors found relevant in Turner v. Safley, 482 U.S. 78, 89-91 (1987), we cannot say that the district court was in error.

AFFIRMED.