

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 93-2819
Summary Calendar

DAVID FANCHER,

Plaintiff-Appellant,

versus

DALE MYERS and MIKE CARLSON,

Defendants-Appellees.

Appeal from the United States District Court
for the Southern District of Texas
(CA-H-88-3951)

(September 30, 1994)

Before DAVIS, JONES, and DUHÉ, Circuit Judges.

PER CURIAM:*

The judgment of the district court is modified to reflect \$1 in damages and, as so modified, is AFFIRMED.

Appellant did not prove that he was in fact deprived of magazine subscriptions during his twenty-one day stay at the Walker County Jail, but the county does not dispute that he failed to receive two legal pamphlets. Appellant did not prove any actual damages or his entitlement to injunctive relief, hence, he is entitled to only nominal damages. Carey v. Piphus, 435 U.S. 247, 266 (1978).

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.