

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-60343
Summary Calendar

STEVEN T. NICHOLS,

Plaintiff-Appellant,

versus

JIMMY SIMMONS, ET AL.,

Defendants-Appellees.

Appeal from the United States District Court for the
Northern District of Mississippi
USDC No. 1:95-CV-130-S-D

January 10, 1997
Before GARWOOD, JOLLY, and DENNIS, Circuit Judges.

PER CURIAM:*

Steven T. Nichols was assaulted while in the drunk tank of the Chickasaw County Jail. The district court granted summary judgment in favor of the defendants on Nichols's claim that the county's policy allowing inmates to roam freely around the old part of the jail demonstrated a deliberate indifference to the safety of

*Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

detainees. Nichols has abandoned this issue on appeal. See Yohey v. Collins, 985 F.2d 222, 225 (5th Cir. 1993).

For the first time on appeal, Nichols asserts that the Chickasaw County Sheriff's Office had a policy of using prison trustees to assist the deputies in policing the jail and that this policy demonstrates a deliberate indifference to the safety of pretrial detainees. Nichols has not demonstrated plain error with respect to this claim. See Robertson v. Plano City of Tex., 70 F.3d 21, 23 (5th Cir. 1995) (citing United States v. Calverley, 37 F.3d 160, 162-64 (5th Cir. 1994) (en banc) (addressing "plain error" standard), cert. denied, 115 S.Ct. 1266 (1995), and Highlands Ins. v. National Union Fire Ins. Co., 27 F.3d 1027 (5th Cir. 1994) (applying the Calverley standard to civil cases), cert. denied, 115 S.Ct. 903 (1995)).

A F F I R M E D.