

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 98-40995
Summary Calendar

STACEY B. MARTIN,

Plaintiff-Appellant,

versus

DENNIS JONES,

Defendant-Appellee.

- - - - -
Appeal from the United States District Court
for the Southern District of Texas
USDC No. C-98-CV-216
- - - - -

April 1, 1999

Before HIGGINBOTHAM, JONES, and DENNIS, Circuit Judges.

PER CURIAM:*

Stacey B. Martin, Texas prisoner # 554134, appeals the dismissal of his 42 U.S.C. § 1983 complaint pursuant to 28 U.S.C. § 1915(e). Martin, a Muslim, argues that Dennis Jones violated his First and Eighth Amendment rights and retaliated against him after Martin flooded the run to protest the adequacy of his food tray during Ramadan.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

We have reviewed the record and Martin's brief and AFFIRM the magistrate judge's dismissal for essentially the same reasons

set forth by the magistrate judge. Martin v. Jones, No. C-98-CV-216 (S.D. Tex. July 27, 1998).

AFFIRMED.