

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 98-41234

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CHESTER WILLIAM INGRAM, JR.,

Plaintiff-Appellant,

v.

STATE OF TEXAS; TEXAS BOARD OF CRIMINAL JUSTICE; TEXAS DEPARTMENT OF CRIMINAL JUSTICE-INSTITUTIONAL DIVISION COMPANY DEPARTMENTS; UNIVERSITY OF TEXAS MEDICAL BRANCH; MANAGED HEALTH CARE SYSTEM; WAYNE SCOTT, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION; GARY L. JOHNSON, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION; JOSEPH KEITH PRICE, Senior Warden, Coffield Unit; MICHAEL A. UPSHAW, Assistant Warden, Coffield Unit; KEVIN MOORE, Assistant Warden, Coffield Unit; HILTON C. BRYANT, Classification Chief, Coffield Unit; BILL LAYTON, Infirmary Administrator Coffield Unit; TIMOTHY S. BOSTIC, Captain, Coffield Unit; GARY L. GRIGGS, Captain, Coffield Unit; BERNIE L. BUSH, Captain, Coffield Unit; KEVIN JANUARY, Captain, Coffield Unit; DANNY L. CHURCHMAN, Lieutenant, Coffield Unit; KENNETH THOMPSON, Lieutenant, Coffield Unit; PHILLIP CRUTCHER, Lieutenant, Coffield Unit; LEIGH A. BROOKS, Lieutenant, Coffield Unit; TONIA L. BROWN, Lieutenant, Coffield Unit; J.C. GANN, JR., Lieutenant, Coffield Unit; KENNETH WILBANKS, Sergeant, Coffield Unit; DAVID L. CARTER, Sergeant, Coffield Unit; STEVEN WILLIAMS, Sergeant, Coffield Unit; MITCHELL DUBOSE, Sergeant, Coffield Unit; REBECCA LANIER, Sergeant, Coffield Unit; RONALD JOHNSON, Sergeant, Coffield Unit; MARK G. LAYTON, Sergeant, Coffield Unit; BELINDA MAPLE, Sergeant, Coffield Unit; MICHAEL L. CHIVERS, Correctional Officer III, Coffield Unit; CECELIA H. SWEENEY, Correctional Officer III, Coffield Unit; BENJAMIN L. SMITH, Correctional Officer III, Coffield Unit; CHARLES R. ADAMS, JR., Correctional Officer III, Coffield Unit; ELLIS W. WATSON, Correctional Officer III, Coffield Unit; CHARLES BRISTOW, Correctional Officer III, Coffield Unit; SCOTT L. HOLLEY, Correctional Officer III, Coffield Unit; DAVID S. KASSOW, Correctional Officer III, Coffield Unit; ANTHONY CARLILE, Correctional Officer III, Coffield Unit; KENNETH W. COOK, Correctional Officer III, Coffield Unit; KENNETH BREWER, Correctional Officer

III, Coffield Unit; MICKEY L. DEAN, Correctional Officer III, Coffield Unit; CHAD E. KELLEY, Correctional Officer III, Coffield Unit; GENE D. NAQUIN, Correctional Officer III, Coffield Unit; JOHN H. HOLMES, Correctional Officer III, Coffield Unit; JASON A BOMER, Correctional Officer III, Coffield Unit; VICKIE BELVIN, Correctional Officer III, Coffield Unit; WILLIAM R. GREEN, Correctional Officer III, Coffield Unit; J.A. MATTHEWS, Correctional Officer III, Coffield Unit; EDWARD MILLER, Correctional Officer III, Coffield Unit; DAVID FAUGHT, Correctional Officer III, Coffield Unit; TIMOTHY TODD, Correctional Officer III, Coffield Unit; SHANE FARMER, Correctional Officer III, Coffield Unit; MICAH N. GROS, Correctional Officer III, Coffield Unit; BILLY G. HART, Correctional Officer III, Coffield Unit; UNIDENTIFIED CRAWFORD, MD; THOMAS C. FORD, MD; SRINIVAS REDDY, MD; CAROLINE FOUNTAIN, RN; KAROL WADE BAY, Psych Counselor; RALPH D. ROUSE, JR.; JESSICA GINSBURG; DEVAL PATRICK; OWEN MURRAY, MD; JAMES V. MEYER, MD; UNKNOWN DIXON, Physician Assistant; JAMES A. SMITH, RN; DAVID DEFOOR, RN; PATRICIA MONTOYA; ARTHUR PEABODY; HORACE DAWSON; MICHAEL K. NEHRING; NORRIS KNOX; CHARLOTTE D. WARE; GERALD TILLISON, JR.; FRANK HOKE; GREGORY MOORE; JERRY PETERSON; RANDY BARRETT; KAY SHEELY; RANDOLPH MCVEY; J.B. WARREN; JAMES SHAW; KEITH PRICE; NAOMI MILTON; UNIDENTIFIED MORROW,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Eastern District of Texas  
(6:97-CV-719)

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January 4, 2000

Before JOLLY, EMILIO M. GARZA and BENAVIDES, Circuit Judges.

PER CURIAM:\*

Appellant Chester William Ingram, Jr. ("Ingram") appeals from the district court's dismissal of his claims under the Americans with Disabilities Act ("ADA"), 42 U.S.C. § 12132 et

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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.

seq., and for cruel and unusual punishment, retaliation and denial of religious freedom pursuant to 42 U.S.C. § 1983. Ingram also complains of the district court's assessment of filing fees as impairing the obligation of contracts in violation of article 10, clause 1 of the United States Constitution ("the contract clause").

Neither Ingram's allegation of insufficient time to eat, nor his complaint about being denied permission to keep a laptop computer and printer in his cell, state a claim under the ADA for denial of a service by a public entity because of a disability. We therefore affirm the district court's dismissal of the ADA claims.

Furthermore, a review of the record reveals no reversible error in the dismissal of the § 1983 claims. Ingram has not alleged facts sufficiently severe to state claims for cruel and unusual punishment, retaliation or denial of religious freedom.

Finally, the contract clause applies only to the states; it does not apply to the federal government. *See, e.g., City of New Brunswick v. Borough of Milltown*, 686 F.2d 120, 126 n.5 (3d Cir. 1982). Therefore, Ingram's claim in this regard is frivolous. We therefore affirm the district court on this claim as well.

AFFIRMED