

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

November 10, 2011

No. 10-30982

Lyle W. Cayce
Clerk

HENRY LEONARD,

Plaintiff - Appellee

v.

STATE OF LOUISIANA, on behalf of Department of Public Safety and Corrections; RICHARD STALDER, individually and in his official capacity as Secretary of the Department of Corrections & Public Safety; VENETIA MICHAEL, individually and in her official capacity as Warden of David Wade Correctional Center; JACKIE HAMIL, individually and in his official capacity as a correctional officer at David Wade Correctional Center,

Defendants - Appellants

Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 5:07-CV-813

Before REAVLEY, GARZA, and GRAVES, Circuit Judges.

PER CURIAM:*

The judgment of the district court is affirmed for the following reason:

The Final Call is objectionable to the prison officials only because it regularly includes “The Muslim Program.” We agree with the district court that

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

No. 10-30982

banning the entire newspaper is not justified for that reason. While we do not agree that “The Muslim Program” is free of racially inflammatory language, the record here does not justify this order under circumstances where an objectionable page could be deleted and where this page has been included in all prior issues of the newspaper and is and always has been available to appellee.

AFFIRMED.