

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 00-60509
Summary Calendar

QUANTAS TURNER,

Plaintiff-Appellant,

versus

HILLARD WADE; ANTHONY HARRIS; JESSIE RANDLE;
BRUCE ROBINSON; CORY MCCRAY; WALKER, Corrections
Officer 01; L. NELSON; ROBERT GRAYSON;
LONNIE KIDD,

Defendants-Appellees.

Appeal from the United States District Court
for the Northern District of Mississippi
USDC No. 4:98-CV-230-P-A

January 8, 2001

Before REAVLEY, DAVIS and DeMOSS, Circuit Judges.

PER CURIAM:*

Quantas Turner, Mississippi prisoner #58193, appeals from the district court's dismissal of his complaint alleging that the defendants assaulted him and issued an unjust Rules Violation Report ("RVR"). Turner argues that he properly exhausted his administrative remedies with respect to the assault claim and therefore he should have been permitted to proceed on that claim and to challenge the procedural deficiencies in his RVR hearing.

* Pursuant to 5th Cir. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5th Cir. R. 47.5.4.

After a de novo review of the record, we find that Turner's requests to the Administrative Remedy Program fail to establish that he exhausted his administrative remedies on the assault claim. See Powe v. Ennis, 177 F.3d 393, 394 (5th Cir. 1999); Wendell v. Asher, 162 F.3d 887, 890-91 (5th Cir. 1999). Turner's due process claim based on the RVR and disciplinary hearing fails to state a claim implicating the Due Process Clause. See Sandin v. Conner, 515 U.S. 472, 483-84 (1995).

AFFIRMED.