

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 96-40384  
Conference Calendar

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RONNIE SULLIVAN,

Plaintiff-Appellant,

versus

DAVID COLE, Captain, TDCJ-ID, Beto I; MITCHELL  
L. JOHNSON, Lt., TDCJ-ID, Beto I; SHANNON DACUS,  
Officer L-03, TDCJ-ID, Beto I,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Eastern District of Texas  
USDC No. 6:96-CV-155  
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August 20, 1996

Before KING, DUHÉ, and DeMOSS, Circuit Judges.

PER CURIAM:\*

Ronnie Sullivan, #630453, appeals the district court's dismissal, with prejudice, of his 42 U.S.C. § 1983 civil rights complaint. The district court correctly held that Sullivan did not have a due process liberty interest in being upgraded from administrative-segregation status to a less restrictive custody status. See Sandin v. Conner, 115 S. Ct. 2293 (1995); Pichardo v. Kinker, 73 F.3d 612, 613 (5th Cir. 1996). Sullivan's claim, raised for the first time in response to the magistrate judge's

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\* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

report, that the defendants improperly deprived him of personal items failed to state a cognizable constitutional claim. Hudson v. Palmer, 468 U.S. 517, 533 (1984); Myers v. Adams, 728 S.W.2d 771, 772 (Tex. 1987). Sullivan's Eighth Amendment claim was supported by no factual allegations and was therefore frivolous. See Wesson v. Oglesby, 910 F.2d 278, 281 (5th Cir. 1990).

AFFIRMED.