

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-40461
Summary Calendar

SHAWN ERIC MCGEE,

Plaintiff-Appellant,

versus

TEXAS DEPARTMENT OF CRIMINAL JUSTICE--
INSTITUTIONAL DIVISION; DALLAS COUNTY
SHERIFF'S DEPARTMENT; STATE OF TEXAS,

Defendants-Appellees.

- - - - -
Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 6:95-CV-891
- - - - -

August 2, 1996

Before HIGGINBOTHAM, WIENER, and BENAVIDES, Circuit Judges.

PER CURIAM:*

Shawn Eric McGee, #582006, appeals the district court's dismissal, without prejudice, of his 42 U.S.C. § 1983 civil rights complaint. The district court ruled that one of McGee's claims was barred by the applicable statute of limitation and that venue was improper. This court affirms on the alternate ground that McGee's claims were frivolous. Alleging that the defendants-appellees deprived him of a liberty interest by transferring him from a county jail to a state prison while his

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

criminal conviction was pending and that he was illegally forced to work in prison, McGee failed to state a cognizable civil rights claim. See Biliski v. Harborth, 55 F.3d 160, 162 (5th Cir. 1995); Sandin v. Connor, 115 S. Ct. 2293, 2300 (1995); Wendt v. Lynaugh, 841 F.2d 619, 620 (5th Cir. 1988). Because McGee's claims are frivolous, his "Motion to Obtain Free Copy of the Records and Exhibits" is also.

AFFIRMED.

MOTION DENIED.