

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-40939
Conference Calendar

ANTHONY J. RICHARD,

Plaintiff-Appellant,

versus

JAMES A. COLLINS, DIRECTOR, TEXAS
DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL
DIVISION; JOHN STICE; MARSHALL HERKLOTZ, SOUTHERN
REGIONAL DIRECTOR; LESLIE WOODS; BRIAN RODEEN,

Defendants-Appellees.

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Appeal from the United States District Court
for the Southern District of Texas
USDC No. C-96-CV-178
- - - - -

December 9, 1997

Before BARKSDALE, BENAVIDES, and STEWART, Circuit Judges.

PER CURIAM:*

Anthony J. Richard, prisoner # 623054, appeals the dismissal of his § 1983 action for failure to state a claim on which relief could be granted. He complains of a security lockdown after a riot in which he did not participate, which resulted in his segregation from the general prison population. Because there is no allegation that the lockdown was for any purpose other than

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

the security and safety of inmates, Richard cannot establish a violation of his constitutional rights. See *Eason v. Thaler*, 73 F.3d 1322, 1326-27 (5th Cir. 1996). The district court did not err in dismissing his action.

The dismissal of Richard's complaint for failure to state a claim counts as a "strike" under the Prison Litigation Reform Act, 28 U.S.C. § 1915(g).

Richard's request for appointment of counsel is DENIED.

AFFIRMED.