

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-30301
Conference Calendar

PERRY JACKSON,

Plaintiff-Appellant,

versus

DEPARTMENT OF CORRECTIONS,

Defendant,

MIKE FOSTER, GOVERNOR, STATE OF LOUISIANA, State of Louisiana;
RICHARD STALDER, Secretary of Corrections; BARON KAYLO, Warden,
Avoyelles Correctional Center; GRAY GREMILLION, Warden, Avoyelles
Correctional Center; KEN FOSTER, Warden, Avoyelles Correctional
Center; FULTON RABALAIS, Warden, Avoyelles Correctional Center;
LIBBY TIGNER, Record Manager, Avoyelles Correctional Center;
DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONS, (erroneously
referred to as "Department of Corrections"),

Defendants-Appellees.

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Appeal from the United States District Court
for the Eastern District of Louisiana
USDC No. 96-CV-3286-K
- - - - -

August 15, 1997

Before KING, HIGGINBOTHAM, and DUHÉ, Circuit Judges.

PER CURIAM:*

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Perry Jackson, prisoner #106488, appeals the district court's dismissal as frivolous of his pro se civil rights complaint wherein he alleged that prison officials induced him to surrender his right to incentive wages in exchange for credit toward his sentence but then breached the agreement by making supervision a condition of his early release. The district court concluded that the claim was barred under the doctrine of Heck v. Humphrey, 512 U.S. 477 (1994).

We have reviewed the record and Jackson's brief and find no reversible error in the district court's judgment. See Jackson v. Dep't of Corrections, No. 96-3286 (E.D. La., Feb. 28, 1997). The appeal is without arguable merit and is thus frivolous. See Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983). Accordingly, the appeal is DISMISSED. 5th Cir. R. 42.2. Jackson's motion requesting judgment is DENIED.

APPEAL DISMISSED; MOTION DENIED.