

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 00-20676
Summary Calendar

CALVIN WOODKINS,

Plaintiff-Appellant,

versus

LAFAYETTE COLLINS; FILIBERTO BERT REYNA; RISSIE OWENS,

Defendants-Appellees.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. H-99-CV-3090

May 16, 2001

Before HIGGINBOTHAM, DUHÉ, and WIENER, Circuit Judges.

PER CURIAM:¹

Calvin Woodkins, Texas prisoner # 446117, challenges the dismissal of his 42 U.S.C. § 1983 complaint as frivolous under 28 U.S.C. § 1915(e)(2)(B)(ii). Woodkins argues that his equal protection and due process rights were violated when he was denied release on parole. Because Woodkins does not have a constitutionally protected liberty interest in obtaining parole, he may not challenge the constitutionality of the procedures the Texas Board of Pardon and Paroles used to deny his parole. Orellana v. Kyle, 65 F.3d 29, 32 (5th Cir. 1995).

¹ 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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.

Because Woodkins's equal protection claim challenges the results of specific allegedly defective parole hearings and resolution would automatically entitle him to accelerated release, this claim must be pursued by writ of habeas corpus. Preiser v. Rodriguez, 411 U.S. 475, 484 (1973); Orlellana, 65 F.3d at 31.

Woodkins's claim that he was retaliated against for filing grievances fails to state a claim because he fails to identify a retaliatory adverse act. See Jones v. Greninger, 188 F.3d 322, 324-25 (5th Cir. 1999).

The judgment of the district court is AFFIRMED.