

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 00-40657

MICHAEL T. JONES,

Plaintiff-Appellant,

versus

JOHNNY M. MILES; EVELYN CASTRO, Sergeant;
NOE V. BOTELLO,

Defendants-Appellees.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. C-00-CV-163

December 22, 2000
ON PETITION FOR REHEARING

Before SMITH, BARKSDALE, and BENAVIDES, Circuit Judges.

PER CURIAM:*

Michael T. Jones, Texas prisoner No. 419729, has petitioned for panel rehearing of this court's affirmance of the district court's dismissal of a civil rights complaint as frivolous pursuant to 28 U.S.C. §§ 1915(e)(2)(B)(i) and (ii). Appellant's petition for rehearing is GRANTED and the prior opinion is MODIFIED to add the following:

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Jones's allegations of retaliation fail to establish that Sergeant Miles retaliated against Jones because of his exercise of a constitutional right. McDonald v. Steward, 132 F.3d 225, 231 (5th Cir. 1998). Jones's personal belief that he is the victim of retaliation is inadequate to establish a constitutional violation. Johnson v. Rodriguez, 110 F.3d 299, 310 (5th Cir. 1997).

AFFIRMED.