

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 01-60037  
Conference Calendar

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TROY T. REDMOND,

Plaintiff-Appellant,

versus

MISSISSIPPI DEPARTMENT OF CORRECTIONS; FRED CHILDS;  
DAVID FONDREN; WOOD BROWN; JOHN HALTOM; RUFUS BURKS,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Southern District of Mississippi  
USDC No. 3:99-CV-804-BN  
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December 11, 2001

Before HIGGINBOTHAM, BARKSDALE, and STEWART, Circuit Judges.

PER CURIAM:\*

Troy T. Redmond moves for leave to proceed in forma pauperis (IFP) on appeal from the order granting summary judgment for the defendants in Redmond's employment-discrimination and civil-rights action, an action in which Redmond challenged his termination by the Mississippi Department of Corrections (MDOC). Redmond alleges that MDOC failed to present evidence of policies and procedures that he had violated. He argues that the circumstances in his case suggested that his termination was racially motivated and that the reasons offered for the

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

termination were pretextual. He argues that the defendants failed to investigate the allegations against him, suggesting a causal link between Redmond's protected activities when speaking against an action taken against another MDOC employee and his termination. He alleges that an incident between Hearing Officer David Fondren and him before his first termination showed the actions of a white male against a black employee to cover up "the action of white male attack on the black employee at this hearing." He contends that the defendants were not entitled to Eleventh Amendment immunity or to qualified immunity because he was not allowed to use a tape recorder at his employment hearing; according to Redmond, use of a tape recorder is a state-created right. Redmond argues that the defendants violated the Equal Protection Clause by using MDOC policies and procedures against him although he had not violated those policies and procedures. He finally argues that his case should have been consolidated with another case raising issues arising from the conspiracy at issue in the current case.

The evidence supporting the defendants' motion for summary judgment indicated that Redmond's job actions were motivated by his violations of employee rules. Nothing in the record gives rise to an inference of racial discrimination. See *Boyd v. State Farm Ins. Co.*, 158 F.3d 326, 328-29 (5th Cir. 1998), cert. denied, 526 U.S. 1051 (1999). The grant of summary judgment on Redmond's employment-discrimination claim was not erroneous.

Redmond offers no factual allegations or legal arguments relevant to his immunity contentions; his contention that use of

a tape-recorder was a state-created right; his allegation that the defendants conspired against him; his contention that the Equal Protection Clause was violated; or his contention that his cases should have been consolidated. He has failed to brief those issues for appeal. *Brinkmann v. Dallas County Deputy Sheriff Abner*, 813 F.2d 744, 748 (5th Cir. 1987). Redmond has failed to show that he will raise any nonfrivolous issues for appeal. See *Carson v. Polley*, 689 F.2d 562, 586 (5th Cir. 1982).

IFP DENIED; APPEAL DISMISSED. 5TH CIR. R. 42.2.