

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 92-4763
Conference Calendar

EDUARDO M. BENAVIDES and
KIMBERLEY A. BROWN,

Plaintiffs,

EDUARDO M. BENAVIDES,

Plaintiff-Appellant,

versus

JAMES A. LYNAUGH, ET AL.,

Defendants-Appellees.

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Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 9:91cv180

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(January 22, 1993)

Before GARWOOD, SMITH, and EMILIO M. GARZA, Circuit Judges.

PER CURIAM:*

Eduardo M. Benavides filed a motion for protective order and a motion for preliminary injunction seeking to enjoin officials at the Eastham Unit of the Texas Department of Criminal Justice, Institutional Division (TDCJ-ID) from confiscating his legal materials. Specifically, Benavides sought to enjoin the officials from enforcing TDCJ-ID Administrative Directive .03.72

* Local Rule 47.5 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that Rule, the Court has determined that this opinion should not be published.

which limits the volume of legal materials a prisoner can possess. Additionally, Benavides sought to enjoin the officials from destroying the video tapes taken when his legal materials were inventoried. It is Benavides's position that Administrative Directive .03.72 is unconstitutional as it interferes with his right of access to the courts.

In Long v. Collins, 917 F.2d 3, 4-5 (5th Cir. 1990), this Court noted that it did not appear that Administrative Directive .03.72 abridged an inmate's constitutional rights in any way as it was "a facially neutral prison storage space limitation." The Court then held that a claim for injunctive relief from this alleged constitutional violation could not be maintained as a separate suit, but "must be made solely through the Ruiz class representative." Id. at 5 (citation omitted). The situation in Long is identical to the case sub judice. As such, the district court was correct in denying all injunctive relief related to litigating this claim.

AFFIRMED.