

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 93-4405
Summary Calendar

DAVID R. RUIZ and KAAZIM ABUL 'UMAR,
a/k/a Wesley L. Pittman,

Plaintiffs-Appellants,

v.

DAN MORALES, Texas Attorney General, and
JAMES A. COLLINS, Director Texas Dept. of Criminal Justice,
Institutional Division

Defendants-Appellees.

Appeal from the United States District Court
for the Eastern District of Texas
(6:92cv379)

(November 3, 1993)

Before DAVIS, JONES, and DUHÉ, Circuit Judges.*

PER CURIAM:

Appellants Ruiz and Pittman challenge the district court's denial of their claim that a 1987 change in Texas parole law should have been applied retroactively to them. Texas Crim. Proc. Ann. Art. 42.18, § 8(b) (West 1991). The magistrate judge, on whose recommendation the district court's judgment was based, did not err. We affirm.

*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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

Appellants' complaints about the procedure followed by the magistrate judge and district judge in this case need not be addressed because, on the merits, their claim is specious. The ex post facto clause of the Constitution obviously does not apply to this case, because it prevents only retrospective application of laws. It does not prohibit such laws from applying with only prospective application. Further, appellants' apparent equal protection challenge to the law is of no moment, because the law does not discriminate on any purposeful or invidious basis. The Texas legislature acted rationally in making its change in the parole eligibility law prospective only.

AFFIRMED.