

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 93-5624

Summary Calendar

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WILLIAM ARTHUR RINEHART,  
Plaintiff-Appellant,  
versus  
LOUISIANA DEPARTMENT OF CORRECTIONS, ET AL.,  
Defendants-Appellees.

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Appeal from the United States District Court  
for the Western District of Louisiana  
(6:93-CV-135)

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(July 7, 1994)

Before KING, HIGGINBOTHAM, and BARKSDALE, Circuit Judges.

PER CURIAM:\*

I.

William Rinehart appeals the dismissal of his civil rights complaint in which he alleged a denial of equal protection by the Director of the Louisiana Department of Corrections. More specifically, Rinehart alleged that he was denied employment as a corrections officer because of a prior felony conviction,

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

notwithstanding the expungement of his record following his pardon by the Governor of Louisiana. The district court held that the Louisiana Department of Corrections' actions were rationally related to a legitimate government interest and dismissed the complaint. Rinehart appealed. We affirm.

II.

Rinehart contends that he has been denied equal protection because there was no reason to treat him differently than applicants who had never been convicted of a crime. We review this claim under the rational basis standard because convicted felons are not a suspect class and the right to hold public employment is not a fundamental right. Baer v. City of Wauwatosa, 716 F.2d 1117, 1125 (7th Cir. 1983); Arceneaux v. Treen, 671 F.2d 128, 133 (5th Cir. 1982). The district court properly noted that the policy of not hiring convicted felons as corrections officers rationally relates to maintaining security and safety in state prisons. The hiring officer learned of Rinehart's felony conviction and, even though it had been expunged from his record, the hiring officer could legitimately factor it into his decisionmaking process.

AFFIRMED.