

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 93-7186
Conference Calendar

HOSEY B. JOHNSON,

Plaintiff-Appellant,

versus

KIRK FORDICE,

Defendant-Appellee.

- - - - -
Appeal from the United States District Court
for the Southern District of Mississippi
USDC No. CA 92-637-W-C
- - - - -

June 22, 1993

Before POLITZ, Chief Judge, WIENER, and DeMOSS, Circuit Judges.

PER CURIAM:*

Hosey B. Johnson is an inmate at the Southern Mississippi Correctional Institution (SMCI), Leakesville, Mississippi. Proceeding pro se and in forma pauperis, Johnson filed the instant complaint seeking "equitable relief."

The gravamen of Johnson's complaint appears to be a challenge to Governor Fordice's Executive Order No. 721, which states that as a condition of parole, the Parole Board "may require" that inmates pass a literacy examination before being

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

granted parole. Johnson's complaint argues that there are 400 inmates at SMCI who lack education, and that the facilities, books, and instructors there are inadequate, and requests that the executive order be set aside until the educational programs at SMCI are improved.

The right to bring an action under the Civil Rights Act is personal in nature. Brumfield v. Jones, 849 F.2d 152, 154 (5th Cir. 1988) (citing Coon v. Ledbetter, 780 F.2d 1158, 1160 (5th Cir. 1986)). Johnson has neither alleged nor argued how he has been personally affected by the executive order he challenges. He has also failed to allege the deprivation of any federal constitutional right. See Fyfe v. Curlee, 902 F.2d 401, 403 (5th Cir.), cert. denied, 498 U.S. 940 (1990) (section 1983 plaintiff must allege that he was deprived of a constitutionally protected right by a person acting under color of state law). Therefore, the district court's dismissal of Johnson's complaint is AFFIRMED.

Johnson's motion for leave to proceed IFP on appeal is also DENIED as moot.