

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 93-8665
Conference Calendar

JULIAN SCOTT ESPARZA,

Plaintiff-Appellant,

versus

JOHN S. DEPUTY, Director,
Texas Department of Criminal
Justice Institutional Division,

Defendant-Appellee.

- - - - -
Appeal from the United States District Court
for the Western District of Texas
USDC No. A-93-CA-62-JN
- - - - -
(March 25, 1994)

Before KING, DAVIS, and DeMOSS, Circuit Judges.

PER CURIAM:*

Julian Scott Esparza filed a civil rights action challenging the denial of his request through the inmate grievance procedure to participate in a rehabilitation program of the Interstate Corrections Compact. He appeals the judgment of the district court dismissing the action as frivolous under 28 U.S.C. § 1915(d).

A district court may dismiss an in forma pauperis proceeding

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

if the claim has no arguable basis in law and fact. Ancar v. Sara Plasma, Inc., 964 F.2d 465, 468 (5th Cir. 1992). The dismissal is reviewed for abuse of discretion. Id.

Esparza asserts that the environment in administrative segregation is unsafe, but he does not state with specificity what the dangers are. Even if Esparza's complaint is liberally construed as asserting an Eighth Amendment claim of failure to protect him from other prisoners, his claim fails because he does not allege that he has suffered any harm or that prison officials have demonstrated a "conscious or callous indifference" to his rights. Johnston v. Lucas, 786 F.2d 1254, 1260 (5th Cir. 1986).

To the extent that his appeal brief raises the issue whether he was unconstitutionally denied access to the Interstate Corrections Compact, there is no merit to his argument. A state has no constitutional obligation to provide educational or vocational programs for prisoners. Newman v. State of Alabama, 559 F.2d 283, 292 (5th Cir. 1977), rev'd in part on other grounds sub nom., Alabama v. Pugh, 438 U.S. 781, 98 S.Ct. 3057, 57 L.Ed.2d 1114 (1978). Therefore, Esparza has not shown the deprivation of a constitutional right. See Daniel v. Ferguson, 839 F.2d 1124, 1128 (5th Cir. 1988).

Esparza's claims have no arguable basis in law and fact. The district court did not abuse its discretion in dismissing the claim as frivolous. Because of the numerous and frivolous filings, we caution Esparza that, if he continues to file frivolous appeals, we will assess monetary sanctions and he will not be allowed any other filings in the district court without

prior approval of that court and no further appeals to this Court unless the district court has certified that the appeal is taken in good faith. See Vinson v. Heckmann, 940 F.2d 114, 116 (5th Cir. 1991); see also Moody v. Baker, 857 F.2d 256, 258 (5th Cir.), cert. denied, 488 U.S. 985 (1988) ("The imposition of a sanction without a prior warning is generally to be avoided.").

AFFIRMED.