

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 94-20945
Conference Calendar

HANES D. CREEL,

Plaintiff-Appellant,

versus

WAYNE SCOTT,

Defendant-Appellee.

- - - - -
Appeal from the United States District Court
for the Southern District of Texas
USDC No. CA H 94-4049
- - - - -

March 21, 1995

Before GARWOOD, BARKSDALE, and STEWART, Circuit Judges.

PER CURIAM:*

Hanes D. Creel filed a civil rights complaint, 42 U.S.C. § 1983, alleging that his constitutional rights were violated when he was denied contact visits. The district court dismissed the complaint as frivolous.

Creel argues that the application of the administrative directive violates the Ex Post Facto Clause because it was enacted after he committed his offense. The Ex Post Facto Clause, however, applies only to criminal cases. Henson-El v.

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

Rogers, 923 F.2d 51, 52 (5th Cir.), cert. denied, 501 U.S. 1235 (1991).

Creel also argues that the directive violates equal protection. Administrative Directive 03.85 permits prison officials to deny contact visits with minor children to inmates who have been convicted of sexual offenses with children. Because sex offenders are not members of a suspect class, the state need demonstrate only that the restriction on contact visits is rationally related to a legitimate penological interest. Fulford v. King, 692 F.2d 11, 13 (5th Cir. 1982). Administrative Directive 03.85 is reasonably related to the legitimate concerns of safety and security. See Yeary v. Collins, No. 94-50051 (5th Cir. Sept. 9, 1994) (unpublished). Creel cannot establish an equal protection violation.

Creel also argues that changing his visitation status without a hearing violates due process. To the extent that Creel might have had a liberty interest in contact visits prior to the adoption of Administrative Directive 03.85, the new rules effectively eliminated that liberty interest. See Creel v. Keene, 928 F.2d 707, 712 (5th Cir.), cert. denied, 501 U.S. 1210 (1991).

AFFIRMED.