

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 94-50673

Summary Calendar

LOYAL E. LUNDSTROM AND RICHARD J. REITES,
Plaintiffs-Appellants,

versus

JACK D. KYLE AND ROBERT OWENS,
Defendants-Appellees.

Appeal from the United States District Court
for the Western District of Texas
(A 93 CV 248 c/w A 93 CV 646)

(March 20, 1995)

Before GARWOOD, HIGGINBOTHAM, and DAVIS, Circuit Judges.

PER CURIAM:*

Texas law delays parole eligibility for criminals whose convictions contain an affirmative finding of use of a deadly weapon. Though plaintiffs challenge this classification on equal protection grounds, noting that other defendants may also have used deadly weapons, the distinction is rationally related to a

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

legitimate state interest in punishing those criminals proven
beyond a reasonable doubt to be most dangerous. AFFIRMED.