

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-10961
Conference Calendar

MORRIS R. BROUSSARD,

Plaintiff-Appellant,

versus

JAMES A. COLLINS, DIRECTOR, TEXAS DEPARTMENT
OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION;
JOEL YOUNG; DANNY SCHAEFER; SHARON B. KIRL;
M.W. MOORE; W. DELAROSA,

Defendants-Appellees.

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Appeal from the United States District Court
for the Northern District of Texas
USDC No. 1:94-CV-71-C
- - - - -

April 18, 1996

Before DUHÉ, DeMOSS, and DENNIS, Circuit Judges.

PER CURIAM:*

This is an appeal from the grant of summary judgment for the defendants in a civil rights action. Before reaching the issue whether Broussard received due process in connection with his disciplinary proceedings, the court must determine whether he held a liberty interest protected under the Due Process Clause. Sandin v. Conner, 115 S. Ct. 2293, 2297-2300 (1995). State-created liberty interests which are protected by the Due Process

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

Clause will be generally limited to freedom from restraint which imposes atypical and significant hardship on the inmate in relation to the ordinary incidents of prison life. Id. at 2300. In Luken v. Scott, 71 F.3d 192 (5th Cir. 1995), pet. for cert. filed, (U.S. Jan. 16, 1996) (No. 95-8268), we concluded that the loss of the opportunity to earn good time credits, which might lead to earlier parole, is a speculative collateral consequence which does not give rise to a constitutionally protected liberty interest. Id. at 193. Broussard did not hold a protected liberty interest under Sandin to complain of the constitutionality of the procedural devices attendant to his disciplinary hearings. See Sandin, 115 S. Ct. at 2297-2300.

AFFIRMED.