

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-20607
Summary Calendar

TIMOTHY HUGH QUEEN,

Plaintiff-Appellant,

versus

JOHNNY KLEVENHAGEN, Sheriff,

Respondent-Appellee.

- - - - -
Appeal from the United States District Court
for the Southern District of Texas
USDC No. CA-H-94-2438

- - - - -
February 15, 1996

Before HIGGINBOTHAM, DUHE' and EMILIO M. GARZA, Circuit Judges.

PER CURIAM:*

Timothy Hugh Queen appeals the entry of summary judgment for the respondent in this civil rights action alleging denial of access to the courts. Queen contends (1) that he should not have been required to show an actual injury resulted from a jail policy restricting his access to the law library; (2) that his request for injunctive relief and for issuance of a writ of mandamus was not moot due to his transfer to another facility because it was "capable of repetition yet evading review;" and (3) that the district court should not have dismissed his state constitutional claim because state law permits an inmate to

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

pursue an action for equitable relief. We have carefully reviewed the arguments and the record and AFFIRM the judgment for essentially the reasons adopted by the district court.

AFFIRMED.