

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 95-21035  
Conference Calendar

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JOHNNY MCKNIGHT,

Plaintiff-Appellant,

versus

JAMES A. LYNAUGH, Director, ET AL.,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. H-94-CV-846  
- - - - -

April 16, 1996

Before DUHÉ, DeMOSS, and DENNIS, Circuit Judges.

PER CURIAM:\*

Johnny McKnight appeals the dismissal as frivolous of his civil rights complaint which challenged the prison's integration of two-cell housing as violative of his right under the First Amendment. Because McKnight's right to exercise freely his religious beliefs is outweighed by a legitimate penal interest, the district court did not abuse its discretion in dismissing the claim as frivolous. See Muhammad v. Lynaugh, 966 F.2d 901, 902 (5th Cir. 1992).

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\* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

McKnight's other issues -- alleged contravention of a district court order in another case, consideration of additional claims which McKnight failed to amend to his complaint, and the lack of notice and opportunity to cure deficiencies before the 28 U.S.C. § 1915(d) dismissal -- have been considered. We conclude that they are without merit.

McKnight's motions for transfer and for default are DENIED.  
AFFIRMED.