

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-50515
Summary Calendar

STEVEN GILBERT,

Plaintiff-Appellant,

versus

KNOWLES, Warden, ANDERSON, Warden,
WAYNE SCOTT, Director, Texas
Department of Criminal Justice,
Institutional Division, VICTOR RODRIGUEZ,
Texas Board of Pardons and Paroles,

Defendants-Appellees.

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Appeal from the United States District Court
for the Western District of Texas
USDC No. A-94-CV-369
- - - - -

March 22, 1996

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

PER CURIAM:*

Steven Gilbert appeals the denial with prejudice of his civil rights action following the district court's grant of summary judgment for the defendants. The defendants did not violate Gilbert's right to due process by transferring him from the Kyle unit to the Texas Department of Criminal Justice (TDCJ) without giving him notice, a counsel substitute, and a hearing on

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

the disciplinary charge Gilbert alleges the parole board used to set aside his tentative parole date. See Allison v. Kyle, 66 F.3d 71, 74 (5th Cir. 1995). By not arguing on appeal whether he received due process regarding the disciplinary charge against him once he was transferred back to TDCJ, Gilbert has abandoned this issue. See Brinkmann v. Abner, 813 F.2d 744, 748 (5th Cir. 1987).

AFFIRMED.