

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-11200
Summary Calendar

KENNY WITHERS,

Plaintiff-Appellant,

versus

WAYNE SCOTT, Director; D. D. SANDERS,

Defendants-Appellees.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 2:96-CV-223

July 7, 1997

Before DAVIS, EMILIO M. GARZA and STEWART, Circuit Judges

PER CURIAM:*

Kenneth Withers, a Texas prisoner (# 687233), appeals the dismissal of his civil rights complaint as frivolous pursuant to 28 U.S.C. § 1915(e)(2)(B)(i). Withers argues that the defendants and other Texas correctional officials denied him the alleged right to represent himself in several prison disciplinary proceedings. We have reviewed the record and Gill's brief, and we conclude that

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

the district court did not abuse its discretion in dismissing Gill's complaint as frivolous. See Withers v. Scott, No. 4:96-CV-233 (N.D. Tex. Aug. 19, 1996); 28 U.S.C. § 1915(e)(2)(B)(i); Eason v. Thaler, 14 F.3d 8, 9 (5th Cir. 1994); Memphis Community School Dist. v. Stachura, 477 U.S. 299, 308-09 (1986). Withers also seeks the assistance of the class representative in the class action Ruiz v. Estelle, 688 F.2d 266 (5th Cir. 1982), or to intervene in such action. However, the Ruiz litigation has been settled and is completed. See Ruiz v. Collins, No. 92-2373, slip op. at 6 n.3 (5th Cir. Dec. 23, 1992) (unpublished).

Withers' motion to file a "traverse" brief, his request to submit "supporting documentation," and his motion for the court to stay consideration by the defendants of further disciplinary charges are DENIED.

AFFIRMED; MOTIONS DENIED.