

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-40338
Summary Calendar

STEPHEN LLOYD TRAPP,

Plaintiff-Appellant,

versus

WAYNE SCOTT, Executive Director,
GARY JOHNSON, Director; JAMES
ZELLER, Warden,

Defendants-Appellees.

Appeal from the United States District Court
For the Southern District of Texas
(C-96-CV-99)

August 28, 1996

Before POLITZ, Chief Judge, JONES and SMITH, Circuit Judges.

PER CURIAM:*

Stephen Lloyd Trapp appeals the dismissal of his civil rights suit under 28 U.S.C. § 1915(d). The gravamen of his complaint is that on four occasions the

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

defendant officials of the Texas Department of Criminal Justice violated his due process rights by not affording him disciplinary hearings before placing him in administrative segregation.

An *in forma pauperis* complaint may be dismissed *sua sponte* if found to be frivolous.¹ A complaint is frivolous if it lacks an arguable basis in law or fact.²

The administrative confinement of which Trapp complains does not present an “atypical and significant hardship” which gives rise to a protected liberty interest.³ Further, being served sandwiches in lieu of regular meals during administrative segregation does not amount to a constitutional violation.⁴ Finally, Trapp’s equal protection claim does not amount to plain error.⁵ The district court did not err or abuse its discretion when it dismissed Trapp’s complaint under the former section 1915(d) for his claims lacked an arguable basis in law.

AFFIRMED.

¹ 28 U.S.C. 1915(d), redesignated as § 1915(e)(2)(B)(i) by § 804 of the Prison Litigation Reform Act, Pub.L. No. 104-134, 110 Stat. 1321 (1996); **Denton v. Hernandez**, 504 U.S. 25 (1992).

²**Ancar v. Sara Plasma, Inc.**, 964 F.2d 465 (5th Cir. 1992).

³**Sandin v. Conner**, 115 S.Ct. 2293 (1995); **Orellana v. Kyle**, 65 F.3d 29, 31 (5th Cir. 1995), cert. denied, 116 S.Ct. 736 (1996).

⁴**Wilson v. Lynaugh**, 878 F.2d 846 (5th Cir.), cert. denied, 493 U.S. 969 (1989).

⁵See **Robertson v. Plano City of Tex.**, 70 F.3d 21 (5th Cir. 1995).