

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 96-60324  
Conference Calendar

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JIMMY DALE TAYLOR,

Plaintiff-Appellant,

versus

CHRISTINE HOUSTON,

Defendant-Appellee.

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Appeal from the United States District Court  
for the Northern District of Mississippi  
USDC No. 4:94-CV-260-S-A  
- - - - -

August 21, 1996

Before KING, DUHÉ, and DeMOSS, Circuit Judges.

PER CURIAM:\*

Jimmy Dale Taylor, Mississippi inmate #53474, appeals the dismissal as frivolous of his civil rights complaint. He argues that the district court incorrectly relied upon Heck v. Humphrey, 114 S. Ct. 2364, 2372 (1994) in determining that his complaint has no arguable basis in law. A review of Taylor's complaint and his appellate argument indicates that the Heck rule is not an impediment to Taylor's 42 U.S.C. § 1983 cause of action. That

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\* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

is, if Taylor were successful in this suit, the judgment would not mandate a change in the fact or duration of his confinement. He would only be considered eligible for parole. Cf. McGrew v. Texas Bd. of Pardons & Paroles, 47 F.3d 158, 161 (5th Cir. 1995) (applying the Heck rule to complaint challenging parole board's purported extension of a sentence and revocation of mandatory supervision).

Because a Mississippi inmate does not have a constitutionally protected interest in parole eligibility under Miss. Code Ann. § 47-7-3 (Supp. 1995), we affirm on this alternate ground. See Scales v. Mississippi State Parole Bd., 831 F.2d 565, 566 (5th Cir. 1987); see also Sandin v. Conner, 115 S. Ct. 2293, 2294 (1995).

AFFIRMED.