

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-41190
Summary Calendar

ANTHONY ANTONIO WHITEHURST,

Plaintiff-Appellant,

versus

SHARON BRYANT, ET AL.,

Defendants,

SHARON BRYANT, Parole Supervisor,

Defendant-Appellee.

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Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 1:95-CV-788
- - - - -

November 23, 1998

Before KING, BARKSDALE, and STEWART, Circuit Judges.

PER CURIAM:*

Anthony Antonio Whitehurst, Texas state prisoner # 04938-078, appeals from the district court's grant of the defendant's motion to dismiss his civil rights complaint for failure to state a claim. Whitehurst contends that the district court erred in dismissing his denial-of-access-to-courts claim on qualified immunity grounds. He also argues, for the first time on appeal,

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

that Bryant violated his equal-protection rights by refusing to allow him to travel out of state to attend jury trials and hearings in then-pending civil cases in Alabama.

Because the right of access to courts does not encompass the right of a parolee to travel out of state to attend a hearing or trial in a civil case, the district court did not err in granting Bryant's motion to dismiss. See Lewis v. Casey, 518 U.S. 343, 354-55 (1996); Brewer v. Wilkinson, 3 F.3d 816, 821 (5th Cir. 1993). To state an equal protection claim, Whitehurst must allege, inter alia, that similarly situated individuals were treated differently. Muhammad v. Lynaugh, 966 F.2d 901, 903 (5th Cir. 1992). Whitehurst does not argue that he has been treated differently from other Texas parolees. He therefore has not demonstrated plain error with respect to his argument of an equal-protection violation.

Bryant's motions to supplement the record and to file a reply brief in excess of fifteen pages are DENIED.

AFFIRMED.