

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

---

No. 98-40316  
Conference Calendar

---

EARL B. BURGESS,

Plaintiff-Appellant,

versus

TROY FOX, Board Member, ET AL.,

Defendants-Appellees.

- - - - -  
Appeal from the United States District Court  
for the Eastern District of Texas  
USDC No. 6:97-CV-1051  
- - - - -

June 17, 1999

Before EMILIO M. GARZA, BENAVIDES, and PARKER, Circuit Judges.

PER CURIAM:\*

Earl B. Burgess, a Texas prisoner (# 270704), appeals from the dismissal of his in forma pauperis civil rights complaint as frivolous, pursuant to 28 U.S.C. § 1915(e)(2)(B)(i). Burgess asserted that the defendants had violated his due process and ex post facto rights by applying to him parole statutes that were enacted after the revocation of his parole. Burgess' due process claim is frivolous because Texas' parole statutes confer no

---

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

liberty interest. See Orellana v. Kyle, 65 F.3d 29, 31 (5th Cir. 1995). His ex post facto claim is similarly frivolous because Burgess has not shown that any change in the law with regard to the Board's discretion to deny him release on parole made the punishment for his crime more burdensome. See Collins v. Youngblood, 497 U.S. 37, 42 (1990). The judgment of the district court is

AFFIRMED.