

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 98-50759
Summary Calendar

RAY CHARLES TANNER,

Plaintiff-Appellant,

versus

VICTOR RODRIGUEZ, Chairman;
WINDELL A. ODOM,

Defendants-Appellees.

- - - - -
Appeal from the United States District Court
for the Western District of Texas
USDC No. A-97-CV-792-SS
- - - - -

June 18, 1999

Before JOLLY, SMITH, and WIENER, Circuit Judges.

PER CURIAM:*

Ray Tanner appeals, Inmate #462289, appeals the dismissal of his civil rights suit filed pursuant to 42 U.S.C. § 1983, for failure to state a cause of action. Tanner argues that his release on parole under the conditions set forth in TEX. CODE CRIM. P. art. 42.18 violated the Ex Post Facto Clause, that he is entitled to injunctive relief against defendant Rodriguez from future release

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

from parole under article 42.18, and that he should not have been required to pay the supervisory fees prescribed by article 42.18.

None of Tanner's allegations about his release on parole states a claim for § 1983 relief. Tanner's claims that he should not have been required to pay a supervisory fee and that he is entitled to injunctive relief from application of article 42.18 to him in the future do not have cognizable bases under § 1983. See Orellana v. Kyle, 65 F.3d 29, 32 (5th Cir. 1995); Allison v. Kyle, 66 F.3d 71, 73 (5th Cir. 1995). To the extent that Tanner seeks monetary damages for an alleged ex post facto violation leading to the revocation of his parole, his claims are barred by Heck v. Humphrey, 512 U.S. 477 (1994). See McGrew v. Texas Bd. of Pardons & Paroles, 47 F.3d 158, 161 (5th Cir. 1995).

The judgment is AFFIRMED. Tanner's motion for injunctive relief from this court is DENIED.