

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 94-60438
Conference Calendar

FRANK HANNER, JR.,

Plaintiff-Appellant,

versus

EDWARD M. HARGETT ET AL.,

Defendants-Appellees.

- - - - -
Appeal from the United States District Court
for the Southern District of Mississippi
USDC No. 92-CV-517
- - - - -
(September 22, 1994)

Before KING, SMITH, and BENAVIDES, Circuit Judges.

PER CURIAM:*

Frank Hanner, Jr., an inmate at the Mississippi State Penitentiary at Parchman, appeals the judgment of the district court dismissing his civil rights action as frivolous. Hanner makes no cogent or comprehensible appellate argument addressing the district court's analysis.

To the extent that Hanner challenges the 28 U.S.C. § 1915(d) dismissal of his civil rights action alleging a deprivation of due process in denying his parole, his argument fails. Because the statutes creating parole in Mississippi confer "absolute

* Local Rule 47.5 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that Rule, the Court has determined that this opinion should not be published.

discretion" on the Parole Board, no liberty interest has been created; and federal constitutional due process rights are not triggered. Scales v. Mississippi State Parole Bd., 831 F.2d 565, 565-66 (5th Cir. 1987). Without a constitutional violation, Hanner's claim has no arguable basis in law. See Thomas v. Torres, 717 F.2d 248, 249 (5th Cir. 1983) (if a plaintiff fails to allege the deprivation of a constitutional right, neither habeas nor civil rights relief can be had), cert. denied, 465 U.S. 1010 (1984) . The district court did not abuse its discretion. See Ancar v. Sara Plasma, Inc., 964 F.2d 465, 468 (5th Cir. 1992).

The appeal, too, is without arguable merit and thus frivolous. Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983). Because the appeal is frivolous, it is DISMISSED. 5th Cir. R. 42.2.

On October 28, 1993, we cautioned Hanner that, if he continued to raise the same issues, we would impose sanctions. See Hanner v. State of Mississippi, Nos. 93-7386 and 93-7486 (5th Cir. Oct. 28, 1993) (unpublished; copies attached). We now direct the district courts of this Circuit not to accept for filing any in forma pauperis complaint by Hanner unless he first receives the written permission to do so from a district or magistrate judge of the forum court; nor may he file any in forma pauperis appeal from any such matter in this Court without receiving prior authorization from an active judge of this Court.

APPEAL DISMISSED; SANCTIONS IMPOSED.