

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 97-40626  
Conference Calendar

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JOHNNY OTIS DAVIS,

Plaintiff-Appellant,

versus

G. PETERSON; GERY GOMEZ;  
T. THALER; RICHARD LAPOINTE;  
R. COVARRUBIAS; CAROLYN D. SMITH,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. G-95-CV-775  
- - - - -

June 17, 1998

Before DAVIS, PARKER, and DENNIS, Circuit Judges.

PER CURIAM:\*

Johnny Otis Davis, Texas prisoner No. 236506, appeals the dismissal of his civil rights complaint as frivolous pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii). Davis argues that the failure to transcribe prison disciplinary proceedings deprived him of a meaningful administrative appeal and that the defendants have failed to comply with Texas Department of Criminal Justice (TDCJ)

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

regulations which require the transcription of disciplinary proceedings.

The Constitution does not require that a prisoner be provided with a transcript of his disciplinary hearing. Wolff v. McDonnell, 418 U.S. 539, 563-67 (1974). Because Davis does not allege that the disciplinary proceedings violated the procedural requirements set forth in Wolff, his allegation of a violation of TDCJ regulations does not implicate a constitutional violation. See Murphy v. Collins, 26 F.3d 541, 543 (5th Cir. 1994).

AFFIRMED.