

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 01-41225
Summary Calendar

WILLIE LEE MCCOWIN

Plaintiff - Appellant

v.

CYNTHIA S KENT; JACK SKEEN, JR.; J B SMITH

Defendants - Appellees

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 6:01-CV-287

February 15, 2002

Before KING, Chief Judge, and HIGGINBOTHAM and BENAVIDES, Circuit
Judges.

PER CURIAM:*

Willie Lee McCowin, Texas prisoner # 532699, appeals the district court's dismissal of his 42 U.S.C. § 1983 action pursuant to 28 U.S.C. § 1915(e)(2)(B)(i) and (ii). He challenges the dismissal of his assertion that the defendants arbitrarily denied him due process by failing to recommend him for clemency to the Texas Board of Pardons and Parole.

McCowin does not have a liberty interest in the clemency process. See Connecticut Bd. of Pardons v. Dumschat, 452 U.S. 458, 463-65 (1981). McCowin's reliance upon Ohio Adult Parole

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Auth. v. Woodard, 523 U.S. 272 (1998), is misplaced because he is not facing a sentence of death. McCowin has failed to show that the district court erred in dismissing his complaint. See Black v. Warren, 134 F.3d 732, 733-34 (5th Cir. 1998). Consequently, the judgment of the district court is AFFIRMED.