

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

---

No. 95-20953  
Summary Calendar

---

KENNETH RANDALL WITHERS,

Plaintiff-Appellant,

versus

JAMES COLLINS, et al.,

Defendants,

JAMES A. COLLINS, DIRECTOR, TEXAS DEPARTMENT  
OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION;  
JOHNNY KLEVENHAGEN, Sheriff,

Defendants-Appellees.

- - - - -  
Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. CA-H-94-2739  
- - - - -

July 17, 1996

Before SMITH, BENAVIDES, and DENNIS, Circuit Judges.

PER CURIAM:\*

Kenneth Randall Withers, #687233, appeals from the district court's granting of summary judgment in favor of the defendants-appellees. Withers contends that the district court erred by failing to certify a class of Texas inmates who had been "warehoused" in county jails, which allegedly provide services,

---

\* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

programs, and privileges that are inferior to prisons operated by the Texas Department of Criminal Justice ("TDCJ"). We have reviewed the record, the district court's order granting the summary-judgment motions, and Withers' arguments on appeal. We find no reversible error.

Withers has filed with this court numerous motions and "requests" in an effort to litigate claims, not raised in the district court, that TDCJ officials are retaliating against him. Because Withers may not raise these claims for the first time on appeal, see *Douglass v. United Serv. Auto. Ass'n*, 79 F.3d 1415, 1417 (5th Cir. 1996) (en banc), those motions are DENIED.

AFFIRMED; MOTIONS DENIED.