

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-40868
Conference Calendar

NESBITT EDWIN MADISON,

Plaintiff-Appellant,

versus

LEONARD D. YOUNG, Correctional Officer, Beto I;
RICHARD K. THOMPSON, III, Correctional Officer, Beto I;
DAVID W. WIMBERLY, Correctional Officer, Beto I;
UNKNOWN WEST, Correctional Officer, Beto I,

Defendants-Appellees.

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Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 6:95-CV-597
- - - - -

April 17, 1996

Before DUHÉ, DeMOSS, and DENNIS, Circuit Judges.

PER CURIAM:*

Nesbitt Edwin Madison appeals the district court's dismissal as frivolous of his civil rights complaint under 42 U.S.C. § 1983. A dismissal under 28 U.S.C. § 1915(d) is reviewed for an abuse of discretion. Eason v. Thaler, 14 F.3d 8, 9 (5th Cir. 1994). We determine that the district court did not abuse its discretion.

Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

Madison was not deprived of due process because the change in his classification resulting from the disciplinary action did not impose an atypical and significant hardship sufficient to create a liberty interest protected by the due process clause. Luken v. Scott, 71 F.3d 192, 192-93 (5th Cir. 1995).

Madison's motions for discovery, temporary restraining order, disclosure of information, and to add a defendant are DENIED.

This appeal is frivolous. See Howard v. King, 707 F.2d 215, 220 (5th Cir. 1983). Because the appeal is frivolous, it is DISMISSED. See 5th Cir. R. 42.2.

Madison is cautioned that any additional frivolous appeals filed by him will invite the imposition of sanctions. To avoid sanctions, Madison is further cautioned to review any pending appeals to ensure that they do not raise arguments that are frivolous.

APPEAL DISMISSED; SANCTIONS WARNING.