

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 95-40917  
Summary Calendar

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MICHAEL ROSE,

Plaintiff-Appellant,

versus

TDCJ-ID, J.A. COLLINS, Director, et al.,

Defendants,

F. WYATT, Captain;  
UNIDENTIFIED JEFFCOAT, Chief of Classification;  
H. MCNEILL, CO III,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Eastern District of Texas  
USDC No. 6:94-CV-669  
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July 29, 1996

Before GARWOOD, WIENER and PARKER, Circuit Judges.

PER CURIAM:\*

Michael Rose appeals the district court's partial dismissal of his civil rights suit as frivolous under 28 U.S.C. § 1915(d) and grant of summary judgment in favor of the defendants. We

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\* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

have conducted a de novo review of the record and conclude that summary judgment in favor of the defendants was proper. See Little v. Liquid Air Corp., 37 F.3d 1069, 1075 (5th Cir. 1994) (en banc); Sandin v. Conner, 115 S. Ct. 2293 (1995). We also conclude that the district court did not abuse its discretion in severing and transferring Rose's claims arising out of events that took place at the McConnell Unit, finding his RICO claims legally frivolous, and denying his motion for appointment of counsel.

The judgment is AFFIRMED.