

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-41012
Summary Calendar

MICHAEL ARTHUR MAGOON,

Petitioner-Appellant,

versus

GARY L. JOHNSON, DIRECTOR,
TEXAS DEPARTMENT OF CRIMINAL
JUSTICE, INSTITUTIONAL DIVISION,

Respondent-Appellee.

- - - - -
Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 1:95-CV-811
- - - - -

February 27, 1997

Before HIGGINBOTHAM, WIENER and BENAVIDES, Circuit Judges.

PER CURIAM:*

Michael Arthur Magoon, Texas prisoner # 651546, appeals the district court's denial of a motion for a preliminary injunction. To the extent that Magoon is required to obtain a certificate of appealability (COA) in order to appeal the district court's order, we conclude that Magoon has not made a substantial showing of the denial of a constitutional right. See 28 U.S.C. § 2253(c)(2). Without deciding whether a COA is required, we find no reversible error in the reasoning adopted by the district

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

court. Magoon v. Johnson, No. 1:95-CV-811 (E.D. Tex. Sept. 20, 1996); see Lakedreams v. Taylor, 932 F.2d 1103, 1107 (5th Cir. 1991); Watson v. Graves, 909 F.2d 1949, 1552 (5th Cir. 1990). Further, we find that Magoon's appeal is frivolous, and accordingly, we DISMISS it pursuant to 5th Cir. R. 42.2.

DISMISSED AS FRIVOLOUS. COA DENIED.