

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-50715
Summary Calendar

ANTHONY MARSH,

Plaintiff-Appellant,

versus

EULALIO M. ACOSTA, Correctional Officer, Hughes Unit;
RANDAL T. EASLEY, Sergeant, Connally Unit, Kenedy, Texas;
WAYNE M. HUNTLEY, Lieutenant, Telford Unit, New Boston, Texas,

Defendants-Appellees.

Appeal from the United States District Court
for the Western District of Texas
USDC No. USDC No. W-95-CV-331

April 10, 2000

Before DAVIS, EMILIO M. GARZA and DENNIS, Circuit Judges.

PER CURIAM:*

Anthony Marsh, # 449654, appeals the dismissal of his civil rights complaint pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii). Marsh's argument that he did not receive notice of the district court's dismissal of his suit lacks a factual predicate. Marsh argues that his substantive due process rights were violated when he was wrongly punished for threatening a prison guard. His claim is frivolous inasmuch as Marsh lacks a protectable property

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

or liberty interest in the classification he received after the disciplinary hearing. See Sandin v. Conner, 515 U.S. 472 (1995); Whitley v. Hunt, 158 F.3d 882, 889 (5th Cir.1998).

Marsh also argues that the defendants conspired to retaliate against him because of his political activities. This claim lacks merit given documentation produced by Marsh that he was suspected of gang activity, and he has not alleged a chronology of events from which retaliation may plausibly be inferred. See Woods v. Smith, 60 F.3d 1161, 1166 (5th Cir. 1995).

AFFIRMED.

Marsh's motion to strike the appellee's letter brief is

DENIED.