

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 98-50205
Conference Calendar

JAMES ELLIS, JR.,

Plaintiff-Appellant,

versus

MELINDA BOZARTH, Texas Department of Criminal Justice,
Pardons and Paroles Division, Director,

Defendant-Appellee.

- - - - -
Appeal from the United States District Court
for the Western District of Texas
USDC No. A-97-CV-922
- - - - -

June 17, 1998

Before DAVIS, PARKER, and DENNIS, Circuit Judges.

PER CURIAM:*

James Ellis, Texas prisoner #661137, appeals from the dismissal of his civil rights complaint as frivolous. Ellis moves to have his original appellate brief substituted with a new brief; Ellis's motion to substitute his brief is GRANTED.

Ellis contends that he has a liberty interest created by Texas law in having a written statement of the reasons relied upon to deny parole and that he has a right under the Due Process

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Clause to know the criteria and evidence on which the Board relied when deciding whether to grant or deny parole. We have reviewed Ellis's brief and the record in the case, and we find Ellis's appeal frivolous for essentially the reasons relied upon by the district court. See *Ellis v. Bozarth*, No. A-97-CA-922-JN (S.D. Tex. Jan. 5, 1998).

APPEAL DISMISSED. 5TH CIR. R. 42.2.