

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-50190
Conference Calendar

FRANCISCO GONZALEZ ET AL.,

Plaintiffs,

FRANCISCO GONZALEZ,

Plaintiff-Appellant,

versus

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

Defendants-Appellees.

- - - - -
Appeal from the United States District Court
for the Western District of Texas
USDC No. EP-96-CV-272
- - - - -

June 17, 1998

Before DAVIS, PARKER, and DENNIS, Circuit Judges.

PER CURIAM:*

Francisco Gonzalez, Texas prisoner No. 600549, challenges the district court's dismissal of his 42 U.S.C. § 1983 claims pursuant to 28 U.S.C. § 1915(e)(2)(B). He has filed motions to correct the record on appeal and to file an out of time reply brief. Gonzalez's motion to correct the record is DENIED AS

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

MOOT, and his motion to file his reply brief untimely is GRANTED.

Gonzalez argues that the defendants have denied him parole based on constitutionally invalid parole regulations; that the district court failed to distinguish between his § 1983 claims and those sounding under 28 U.S.C. § 2254; and that the district court erred by substituting Texas Department of Criminal Justice Director Johnson as the only defendant.

Having reviewed the record and the briefs of the parties, we AFFIRM, essentially for the reasons adopted by the district court. See Gonzalez v. Johnson, No. EP-96-CA-272-DB (W.D. Tex. Jan. 6, 1997 and Feb. 12, 1997); see also Gonzalez v. Johnson, No. EP-96-CA-272-DB (W.D. Tex. Mar. 4, 1997).

AFFIRMED. MOTION TO CORRECT THE RECORD DENIED AS MOOT.
MOTION TO FILE REPLY BRIEF OUT OF TIME GRANTED.