

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 99-20875
Summary Calendar

MAXIMILLIAN SANCHEZ;
ET AL,

Plaintiffs,

JUAN CARABALLO,

Plaintiff-Appellant,

versus

TOMMY THOMAS, Sheriff,
Harris County,

Defendant-Appellee.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. H-98-CV-2935

April 27, 2000

Before JOLLY, JONES, and BENAVIDES, Circuit Judges.

PER CURIAM:*

Juan Caraballo appeals the district court's grant of summary judgment to defendant Thomas in this 42 U.S.C. § 1983 suit. His first argument is that the district court erred in granting summary judgment on his equal protection claims. Because the policy at issue did not create two or more classifications that treated similarly situated people differently, the district court

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

did not so err. See Stefanoff v. Hays County, 154 F.3d 523 (5th Cir. 1998).

Caraballo next argues that the district court erred in granting summary judgment to Thomas on Caraballo's due process claim. Because Caraballo had no protected liberty interest in the opportunity to earn presentencing good time credit, the district court did not so err. See Luken v. Scott, 71 F.3d 192, 193 (5th Cir. 1995). We need not address Caraballo's claims that the district court erred in determining that Thomas was entitled to qualified immunity and that the district court erred in granting summary judgment on Caraballo's Sixth Amendment claim. The district court did not rule on the issue of qualified immunity, and Caraballo has failed to properly brief his Sixth Amendment issue. The judgment of the lower court is
AFFIRMED.