

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 99-60509  
Conference Calendar

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ROOSEVELT WASHINGTON,

Plaintiff-Appellant,

versus

BARRY PARKER; WALTER BOOKER; MR. KING;  
JAMES V. ANDERSON; LARRY HARDY;  
MIRIAM MASON; ANN LEE,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Northern District of Mississippi  
USDC No. 4:98-CV-39-B-A  
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April 12, 2000

Before WIENER, DeMOSS, and PARKER, Circuit Judges.

PER CURIAM:\*

Roosevelt Washington, Mississippi prisoner # 50085, appeals the dismissal as frivolous of his 42 U.S.C. § 1983 lawsuit alleging that his due-process rights were violated when he was placed in administrative segregation and when he received a reduced custody classification. Washington's due-process claims fail because neither placement in administrative segregation nor a reduction in custody classification implicate a protectable liberty interest. See Sandin v. Conner, 515 U.S. 472, 484, 486

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

(1995); Luken v. Scott, 71 F.3d 192, 193 (5th Cir. 1995); Neals v. Norwood, 59 F.3d 530, 533 (5th Cir. 1995).

To the extent that Washington argues that the defendants' disciplinary action violated prison rules, the argument is not of a constitutional dimension and thus fails to state a claim under § 1983. See also Levitt v. Univ. of Texas at El Paso, 759 F.2d 1224, 1230 (5th Cir. 1985). Moreover, because Washington's claims are facially without merit, the district court did not err in declining to hold an evidentiary hearing. See § 1915(e)(2)(B).

This court will not consider Washington's newly raised claims that he is illegally incarcerated and that the disciplinary action taken against him constituted a double-jeopardy violation. See Shanks v. AlliedSignal, Inc., 169 F.3d 988, 993 n.6 (5th Cir. 1999); Burch v. Coca-Cola, 119 F.3d 305, 319 (5th Cir. 1997), cert. denied, 522 U.S. 1084 (1998). His appeal is frivolous and is therefore DISMISSED. Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983); 5TH CIR. R. 42.2. His motion for the appointment of counsel is DENIED.

APPEAL DISMISSED; MOTION FOR THE APPOINTMENT OF COUNSEL DENIED.