

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

June 24, 2009

Charles R. Fulbruge III
Clerk

No. 08-10671

Summary Calendar

ANTONIO FUERTE, JR

Plaintiff-Appellant

v.

RISSI OWENS; HOWARD A THRASHER, SR; ELVIS HIGHTOWER; JUANITA GONZALEZ

Defendants-Appellees

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:07-CV-695

Before REAVLEY, WIENER, and PRADO, Circuit Judges.

PER CURIAM:*

Antonio Fuerte, Jr., Texas inmate # 01341702, appeals the dismissal of his pro se, in forma pauperis, civil rights complaint filed pursuant to 42 U.S.C. § 1983 against individual members of the Texas Board of Pardons and Paroles (the Board). The district court dismissed Fuerte's complaint for failure to state a claim for which relief can be granted.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Fuerte's argument that he is entitled to injunctive and declaratory relief on claims surrounding the Board's ruling that he was not entitled to mandatory supervision release fails to state a due process violation. *See Greenholtz v. Inmates of Nebraska Penal and Corr. Complex*, 442 U.S. 1, 15-16 (1979); *Boss v. Quarterman*, 552 F.3d 425, 428-29 (5th Cir. 2008); *Coleman v. Dretke*, 395 F.3d 216, 224 (5th Cir. 2004). Accordingly, the district court did not err when it dismissed his complaint for failure to state a claim. *See Cornish v. Corr. Servs. Corp.*, 402 F.3d 545, 549 (5th Cir. 2005).

AFFIRMED.