

United States Court of Appeals
For the Eighth Circuit

No. 13-3763

Bong H. Chae

Plaintiff - Appellant

v.

Paul Rodriguez, Clinical Program Manager for CSORT; Stephanie Bruhn, Ph.D., Behavioral Health Assistant Administrator--Sex Offender Services; Cameron S. White, Ph.D., Behavioral Administrator; Mike Kenny, Warden at O.C.C.

Defendants - Appellees

Appeal from United States District Court
for the District of Nebraska - Omaha

Submitted: July 7, 2014
Filed: July 15, 2014
[Unpublished]

Before GRUENDER, BOWMAN, and SHEPHERD, Circuit Judges.

PER CURIAM.

Former Nebraska inmate Bong Chae appeals from the district court's¹ preservice dismissal of his 42 U.S.C. § 1983 complaint asserting, inter alia, due process and equal protection claims. Upon careful de novo review of the record and Chae's arguments on appeal, see Moore v. Sims, 200 F.3d 1170, 1171 (8th Cir. 2000) (per curiam) (preservice dismissals under 28 U.S.C. §§ 1915(e)(2)(B) and 1915A are reviewed de novo), we conclude that the district court did not err in dismissing any of Chae's claims, see, e.g., Vitek v. Jones, 445 U.S. 480, 493 (1980) (due process inquiry involves determining whether consequences visited on prisoner are qualitatively different from punishment characteristically suffered by person convicted of crime); Persechini v. Callaway, 651 F.3d 802, 807-808 (8th Cir. 2011) (no liberty interest in discretionary parole decision; Due Process Clause standing alone confers no liberty interest in freedom from state action taken within sentence imposed); Keevan v. Smith, 100 F.3d 644, 647-48 (8th Cir. 1996) (equal protection claim requires threshold showing that prisoner is similarly situated to others who allegedly received more favorable treatment). We further conclude that the district court did not abuse its discretion in denying Chae appointed counsel. See Phillips v. Jasper Cnty. Jail, 437 F.3d 791, 794 (8th Cir. 2006) (standard of review; discussing relevant criteria for appointment of counsel in civil case). Accordingly, we affirm. See 8th Cir. R. 47B.

¹The Honorable Joseph F. Bataillon, United States District Judge for the District of Nebraska.