

January 5, 2007

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

Charles R. Fulbruge III  
Clerk

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No. 06-60161  
Summary Calendar

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WILLIE NORRIS BARKER,

Plaintiff-Appellant,

versus

STATE OF MISSISSIPPI,

Defendant-Appellee.

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Appeal from the United States District Court  
for the Northern District of Mississippi  
USDC No. 1:06-CV-9  
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Before DeMOSS, STEWART, and PRADO, Circuit Judges.

PER CURIAM:\*

Former state prisoner Willie Norris Barker appeals the dismissal with prejudice of his pro se, in forma pauperis, 42 U.S.C. § 1983 civil rights complaint as frivolous under 28 U.S.C. § 1915(e)(2)(B)(i). Barker has abandoned his district court claim that the defendants made him mentally ill. See Yohey v. Collins, 985 F.2d 222, 224-25 (5th Cir. 1993). Barker's argument that the district court erred when it dismissed his complaint with prejudice is unavailing because he has not shown that his 1979 rape conviction has been invalidated or called into

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

question. See Heck v. Humphrey, 512 U.S. 477 (1994); Boyd v. Biggers, 31 F.3d 279, 283 (5th Cir. 1994); Stephenson v. Reno, 28 F.3d 26, 27 (5th Cir. 1994). Barker's appeal is frivolous. See 5TH CIR. R. 42.2.

APPEAL DISMISSED.