

November 2, 2006

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 05-10668  
Summary Calendar

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RAUL HERRERA,  
  
Plaintiff-Appellant,  
  
versus  
  
ABEL VILLALOBOS,  
  
Defendant-Appellee.

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 7:05-CV-68  
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Before JOLLY, DENNIS, and CLEMENT, Circuit Judges.

PER CURIAM:\*

Raul Herrera, Texas prisoner # 585739, appeals the dismissal of his 42 U.S.C. § 1983 complaint as frivolous. In his complaint, Herrera alleged that the defendant falsely accused Herrera of being in a prison gang, which resulted in Herrera's confinement in administrative segregation. Herrera argues that his confinement in administrative segregation violates his rights under the First, Eighth, and Fourteenth Amendments. Herrera has demonstrated neither that his constitutional rights were violated nor that the district court's dismissal of his complaint was an abuse of

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

discretion. See Turner v. Safely, 482 U.S. 78, 89-90 (1987); Martin v. Scott, 156 F.3d 578, 589 (5th Cir. 1998); Siglar v. Hightower, 112 F.3d 191, 193 (5th Cir. 1997); Pichardo v. Kinker, 73 F.3d 612, 613 (5th Cir. 1996). The judgment of the district court is AFFIRMED.