

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-60642
Conference Calendar

LEWIS GREENWOOD,

Plaintiff-Appellant,

versus

EDWARD M. HARGETT;
GREGORY STEWART;
JESSIE TRIBUNE,

Defendants-Appellees.

- - - - -
Appeal from the United States District Court
for the Northern District of Mississippi
USDC No. 4:95-CV-401-D-B
- - - - -

June 17, 1997

Before SMITH, STEWART, and DENNIS, Circuit Judges.

PER CURIAM:*

Lewis Greenwood, Mississippi prisoner # 64597, appeals the judgment of the district court, arguing that the dismissal with prejudice of his civil rights action alleging a violation of his First Amendment right of access to the courts was error. We have reviewed the record and Greenwood's brief and agree with the

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

district court's dismissal for failure to state a claim on which relief may be granted on the alternative basis of 28 U.S.C. § 1915(e)(2)B(ii). Greenwood has not alleged the requisite actual injury to support a First Amendment violation. See Lewis v. Casey, 116 S. Ct. 2174, 2180 (1996).

Greenwood's appeal is without arguable merit and thus frivolous. See Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983). Because the appeal is frivolous, it is DISMISSED. 5th Cir. R. 42.2.