

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 00-21164
Conference Calendar

JESSE WARE,

Plaintiff-Appellant,

versus

FRED BECKER; PATSY VALESQUEZ; M RICHTER; LORENE MELENDEZ; JOHN
DOE; THERESE M RICHTER,

Defendants-Appellees.

Appeals from the United States District Court
for the Southern District of Texas
USDC No. H-00-CV-2237

April 11, 2001

Before JOLLY, HIGGINBOTHAM, and JONES, Circuit Judges.

PER CURIAM:*

Jesse Ware, Texas state prisoner #395442, appeals the dismissal of his 42 U.S.C. § 1983 civil rights complaint pursuant to 28 U.S.C. 1915(e)(2)(B)(i) and (ii). Ware alleges that the defendants tampered with his mail and filed false affidavits which caused a prior civil rights complaint to be dismissed as time-barred. That dismissal has been affirmed. Ware v. Scott, No. 99-41212 (5th Cir. Apr. 3, 2001)(unpublished).

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Ware admitted in the Spears hearing that his claim that prison officials interfered with his mail and caused his prior complaint to be filed untimely had been raised in Ware v. Scott. To the extent that Ware is seeking review of the district court's dismissal of his previous complaint as time-barred, his appeal of that order, No. 99-41212, addressed that claim. To the extent that he seeks damages for loss of his right to pursue his prior civil rights action, his claim is precluded by this court's affirmance. We therefore affirm the dismissal of this complaint.

AFFIRMED.