

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 01-40024
Summary Calendar

RONNIE DREW GIST,

Plaintiff-Appellant,

versus

MICHAEL RHONE, Correctional Officer III;
ETHEN BYRD; STEPHEN WELLS; CARLOS LUGO;
GARY L. JOHNSON, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL
JUSTICE, INSTITUTIONAL DIVISION,

Defendants-Appellees.

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 9:00-CV-289

August 20, 2001

Before DeMOSS, PARKER, and DENNIS, Circuit Judges.

PER CURIAM:*

Ronnie Drew Gist, Texas inmate # 602578, appeals the district court's dismissal as frivolous and for failure to state a claim of his 42 U.S.C. § 1983 complaint. Gist's complaint, filed in November 2000, alleges that he suffered injuries from a 1993 incident involving corrections officers Rhone, Byrd, Wells, and Lugo. We have reviewed the record and Gist's brief and affirm the decision of the district court under 28 U.S.C. § 1915A for

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

essentially the reasons stated by the district court. See Gist v. Johnson, et al., No. 9:00-CV-289 (E.D. Tex. Dec. 4, 2000). Gist's complaint alleges his best case and therefore a remand to allow Gist to amend the complaint is not required. See Jones v. Greninger, 188 F.3d 322, 327 (5th Cir. 1999); Morin v. Caire, 77 F.3d 116, 121 (5th Cir. 1996).

AFFIRMED.