

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 01-40948
Summary Calendar

RICARDO CHILDRESS

Plaintiff - Appellant

v

WAYNE SCOTT, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE,
INSTITUTIONAL DIVISION; JAMES ZELLER, Warden; ARTHUR ANDERSON;
AMADO IGLESIAS; D. R. CHAMBERLAND; TERRY HICKS; WEXFORD; ELDA
TANGUMA; AMY ELIZABETH GIBSON; DIEGO CONTRERAS,

Defendants - Appellees

Appeal from the United States District Court
for the Southern District of Texas
USDC No. C-95-CV-596

October 18, 2002

Before KING, Chief Judge, and BARKSDALE and STEWART, Circuit
Judges.

PER CURIAM:*

Ricardo Childress ("Childress"), Texas state prisoner
#433105, appeals the district court's denial of his motion
requesting leave to properly identify defendants Chamberland and
Wexford as parties in the 42 U.S.C. § 1983 civil rights action
that was dismissed in October 1997. Childress' motion for the

* 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that this opinion should not be published and is not precedent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.

appointment of counsel is DENIED. The denial of his motion to amend is reviewed for an abuse of discretion. See Jacobsen v. Osborne, 133 F.3d 315, 318 (5th Cir. 1998). The magistrate judge did not abuse his discretion in denying Childress' motion because the statute of limitations period has expired, and because defendants Wexford and Chamberland did not receive proper notice that an action was filed against them. See id. at 319-21; FED. R. CIV. P. 15(c). Furthermore, Childress has not established that the identity of defendants Wexford and Chamberland was fraudulently concealed.

AFFIRMED; DENY MOTION FOR APPOINTMENT OF COUNSEL.