

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 02-50878  
Summary Calendar

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MICHAEL JOSEPH FUHRMAN,

Plaintiff-Appellant,

versus

GARY L. JOHNSON, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL  
JUSTICE, INSTITUTIONAL DIVISION; JOSEPH B. CASAL, Warden;  
JEFFREY B. CALFEE, Major; MICHAEL A. LUJUAN, Sergeant;  
MARCOS C. MARTINEZ, Sergeant; GAIL R. MILLER, Ms.; JOY A.  
CHADWICK; ESTEBAN SANCHEZ; PAUL WEATHERBY, Captain,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. P-01-CV-24  
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March 21, 2003

Before BARKSDALE, DEMOSS, and BENAVIDES, Circuit Judges.

PER CURIAM:\*

Michael Joseph Fuhrman, Texas prisoner # 531212, has  
appealed the district court's order granting his motion to  
dismiss and dismissing his civil right complaint with prejudice  
for failure to prosecute. Fuhrman contends that the judgment  
should be reformed to provide that the dismissal was without  
prejudice. Fuhrman's claims accrued no later than January 5,

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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this opinion should not be published and is not precedent except  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.

2001, and would be barred under the applicable statute of limitations if he attempted to reassert them in a new federal lawsuit. See Piotrowski v. City of Houston, 237 F.3d 567, 576 (5th Cir. 2001); see also TEX. CIV. PRAC. & REM. CODE ANN. § 16.003(a) (West 2002). Because the interests of justice would not be served by reformation of the judgment, the judgment is

AFFIRMED.