

July 5, 2005

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 04-41419
Summary Calendar

ROY LEE PIPPIN,

Plaintiff-Appellant,

versus

TEXAS DEPARTMENT OF CRIMINAL JUSTICE INSTITUTIONAL DIVISION
BOARD MEMBERS; UNIDENTIFIED BISCOE, Warden; UNIDENTIFIED JONES,
Assistant Warden,

Defendants-Appellees.

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 9:04-CV-60

Before HIGGINBOTHAM, JONES, and PRADO, Circuit Judges.

PER CURIAM:*

Roy Lee Pippin, Texas prisoner number 999170, filed the instant 42 U.S.C. § 1983 suit to challenge a prison mail policy that he alleged denied him his right of access to courts. The district court dismissed Pippin's suit after determining that it was frivolous and failed to state a claim upon which relief could be granted pursuant to 28 U.S.C. § 1915A(b)(1). Pippin now appeals that dismissal. Pippin also moves this court 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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.

injunctive relief. Pippin's motion to amend appeal and for an injunction is DENIED. See Lindsay v. City of San Antonio, 821 F.2d 1103, 1107 (5th Cir. 1987).

To raise a cognizable claim under 42 U.S.C. § 1983, one must show that his constitutional rights were violated by a state actor. Woods v. Edwards, 51 F.3d 577, 583 (5th Cir. 1995). Pippin has not shown that the district court erred in rejecting his claim of denial of access to courts, as he has not established that he suffered an actual, concrete injury as a result of the disputed policy. See Walker v. Navarro County Jail, 4 F.3d 410, 413 (5th Cir. 1993). To the extent that Pippin is attempting to raise a claim of retaliation, we decline to consider this claim because it was not presented to the district court. See Leverette v. Louisville Ladder Co., 183 F.3d 339, 342 (5th Cir. 1999).

Pippin has shown no error in the judgment of the district court. Consequently, that judgment is AFFIRMED.

ALL OUTSTANDING MOTIONS DENIED; JUDGMENT OF DISTRICT COURT AFFIRMED.