

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 94-10866  
Conference Calendar

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JESSE NELSON, JR.,

Plaintiff-Appellant,

versus

TRAMMELL CROW ET AL.,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 3:94-CV-1736-X  
- - - - -  
(March 23, 1995)

Before GARWOOD, BARKSDALE, and STEWART, Circuit Judges.

PER CURIAM:\*

Jesse Nelson, Jr., argues that the district court improperly dismissed his complaint before the expiration of the ten-day period for the filing of objections to the magistrate judge's report. In light of the legal deficiencies of Nelson's complaint, the focus of the magistrate judge's report on these deficiencies and not on factual matters, and the district court's independent review of the record before dismissing the complaint, any procedural mistake in the timing of the dismissal was

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\* Local Rule 47.5 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that Rule, the Court has determined that this opinion should not be published.

harmless. See McGill v. Goff, 17 F.3d 729, 731-33 (5th Cir. 1994).

Nelson's argument concerning the failure of the district court to consider his motion to amend the complaint is factually frivolous. The record does not contain such a motion.

AFFIRMED.