

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 95-31251  
Summary Calendar

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CHARLES CARTER,

Plaintiff-Appellant,

versus

DARNELL FRANCOIS; CHARLES P. VOSBURG, Ph.D; JOSH SMITH;  
WELDON JEWELL; CLARENCE THIBODEAUX; SYLVESTER MUCKELROY,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Middle District of Louisiana  
USDC No. 95-CV-661-A-M2  
- - - - -

June 20, 1996

Before DAVIS, BARKSDALE and DeMOSS, Circuit Judges.

PER CURIAM:\*

Charles Carter, #115957, moves this court for in forma pauperis (IFP) status to appeal the district court's order dismissing his civil rights action under 42 U.S.C. § 1983. For the same reasons stated by the magistrate judge and adopted by the district court, we find this appeal to be frivolous. See Carter v. Francois, No. 95-661-A (M.D. La. Oct. 23, 1995).

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\* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

Carter has not demonstrated that his due process rights were violated during the Spears v. McCotter, 766 F.2d 179 (5th Cir. 1985), hearing. Carter's request to this court to amend his complaint is DENIED.

Because Carter fails to state a nonfrivolous issue on appeal, his motion for leave to proceed IFP is DENIED. Because the appeal is frivolous, it is DISMISSED. See 5th Cir. R. 42.2.