

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-20284
Summary Calendar

TED LAWRENCE ROBERTSON,

Plaintiff-Appellant,

versus

SALLY KEYS; KATHY HOLTON; TEENA WATSON;
DENISE MARKECH; GORDON WHITE, JR.;
JOHN HEALY; PERRY R. HILLEGEIST, JR.;
MIKE ROZELL,

Defendants-Appellees.

Appeals from the United States District Court for the
Southern District of Texas
USDC No. CA-H-95-1479

December 3, 1996
Before GARWOOD, JOLLY, and DENNIS, Circuit Judges.

PER CURIAM:*

Ted Lawrence Robertson appeals the district court's dismissal of his pro se, in forma pauperis 42 U.S.C. § 1983 action for failure to state a claim pursuant to Fed. R. Civ. P. 12(b)(6). He contends that the district court erred by construing his action as

*Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

filed under only § 1983 and argues that his action should have been construed as filed under both § 1983 and 42 U.S.C. § 1985. The district court did not err in its interpretation of Robertson's complaint, as Robertson indicated in the district court that he was bringing his suit under § 1983.

Robertson argues that the district court erred by dismissing his civil rights action for failure to state a claim. We have reviewed the record and Robertson's brief, and AFFIRM the district court's dismissal for essentially the same reasons set forth by the district court. Robertson v. Keys, No. CA-H-95-1479 (S.D. Tex. Feb. 22, 1996).

A F F I R M E D.