

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-30616
Conference Calendar

TOBY IHLI,

Plaintiff-Appellant,

versus

STUART F. SAMSON, M.D.,

Defendant-Appellee.

- - - - -
Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 96-CV-2715
- - - - -

June 17, 1998

Before DAVIS, PARKER, and DENNIS, Circuit Judges.

PER CURIAM:*

Toby Ihli appeals the dismissal of his civil rights suit for failure to state a claim. See Fed. R. App. P. 12(b)(6). He argues that the district court did not apply the correct standard under Rule 12(b)(6) and that there are conceivable sets of facts under his claim which, if proved, would support a cause of action under 42 U.S.C. § 1983. He also argues that the court erred by dismissing the complaint with prejudice.

We have independently reviewed the arguments and the

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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.

appellate record. We conclude that the district court did not err in its conclusion that Ihli failed to state a claim because his allegations did not implicate the deprivation of a constitutional right. See Lowrey v. Texas A & M Univ. Sys., 117 F.3d 242, 246-47 (5th Cir. 1997); Daniel v. Ferguson, 839 F.2d 1124, 1128 (5th Cir. 1988). Nor did the district court err in dismissing the complaint with prejudice.

AFFIRMED.