

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-40452
Summary Calendar

ROBERT WINDELL KEENER,

Plaintiff-Appellant,

versus

MICHAEL L. GRAHAM, in his official capacity
as the former District Attorney for the 145th Judicial
District, Nacogdoches County; CLYDE W. HOWARD,
III, in his official capacity as plaintiff's court-appointed
attorney; CARL FRANKLIN CONKLIN, in his official
capacity as Deep East Texas Task Force legal advisor,

Defendants-Appellees.

Appeal from the United States District Court
For the Eastern District of Texas
(9:95-CV-189)

December 9, 1997

Before POLITZ, Chief Judge, KING and DENNIS, Circuit Judges.

PER CURIAM:*

Robert Windell Keener, a Texas state prisoner, appeals the dismissal as

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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

frivolous of his 42 U.S.C. § 1983 claims brought against Michael Graham, the former prosecutor; Clyde Howard, his former defense attorney; and Carl Conklin, the legal advisor to the Deep East Texas Task Force. We review the court's dismissal of Keener's claims as frivolous for abuse of discretion.¹

For the reasons stated by the district court, which we adopt as our own, we conclude that Keener's complaint was properly dismissed as frivolous.²

The record persuades that Keener has pleaded his best case, and that a remand to permit him to amend his complaint would be of no avail.³

The judgment appealed is AFFIRMED.

¹ **Denton v. Hernandez**, 504 U.S. 25 (1992).

² See **Keener v. Graham, et al.**, No. 9; 95-CV-189 (E.D.Tex. March 25, 1997).

³ See **Jacquez v. Procunier**, 801 F.2d 789 (5th Cir. 1986).