

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 98-20307  
Conference Calendar

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JULIUS DANIEL JOSEPH,

Plaintiff-Appellant,

versus

GARY L. JOHNSON, DIRECTOR, TEXAS  
DEPARTMENT OF CRIMINAL JUSTICE,  
INSTITUTIONAL DIVISION; JOHNNY B. HOLMES;  
FRANK HARMON; RASHAD, MAGISTRATE,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. H-96-CV-3844  
- - - - -

August 26, 1999

Before KING, Chief Judge, and JOLLY and DAVIS, Circuit Judges.

PER CURIAM:\*

Julius Daniel Joseph, Texas prisoner # 617774, appeals the district court's dismissal of his 42 U.S.C. § 1983 complaint as time-barred and therefore frivolous under 28 U.S.C. § 1915(e)(2). According to Joseph's complaint, the conduct of which he complains occurred in 1981, approximately 15 years before he filed his § 1983 complaint in 1996. The district court did not abuse its discretion in concluding that under the applicable two-

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

year statute of limitations, see Ali v. Higgs, 892 F.2d 438, 439 (5th Cir. 1990), Joseph's § 1983 action was time-barred. See McCormick v. Stalder, 105 F.3d 1059, 1061 (5th Cir. 1997)(abuse-of-discretion standard governs review of § 1915(e) dismissals).

AFFIRMED.