

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 98-40621  
Conference Calendar

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BILLIE WAYNE MOSS,

Plaintiff-Appellant,

versus

R.D. MCLEOD; RICHARD ALFORD,  
Sergeant; UNKNOWN AGUIRE, Sergeant,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Eastern District of Texas  
USDC No. 1:98-CV-75  
- - - - -  
October 22, 1998

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

PER CURIAM:\*

Billie Wayne Moss, Texas state prisoner #601218, appeals from the district court's dismissal of his civil rights complaint pursuant to 28 U.S.C. § 1915(e). He argues that the district court abused its discretion by determining that his complaint was barred by the applicable two-year statute of limitations. We have reviewed the record and find no reversible error.

This appeal is frivolous. It is DISMISSED. See 5th Cir. R. 42.2. Moss is cautioned that the dismissal of this appeal constitutes his second strike for purposes of 28 U.S.C.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

§ 1915(g).