

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 00-30807
Conference Calendar

FELIX ANTHONY PRICE,

Plaintiff-Appellant,

versus

RICHARD L. STALDER; JOHN P. WHITLEY,

Defendants-Appellees.

Appeal from the United States District Court
for the Middle District of Louisiana
USDC No. 99-CV-172

October 17, 2000

Before SMITH, BARKSDALE, and BENAVIDES, Circuit Judges.

PER CURIAM:*

Felix Anthony Price, Louisiana inmate # 91688, appeals the dismissal of his civil rights suit filed pursuant to 42 U.S.C. § 1983 as frivolous. Price argues that the defendants failed to mail his state suit timely and seeks declaratory and injunctive relief from the state court's dismissal of his suit as untimely. Inasmuch as the district court was without jurisdiction to grant the relief Price sought, the court correctly dismissed it as frivolous under § 1915A. See United States v. Shepherd, 23 F.3d

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

923, 924 (5th Cir. 1994). Accordingly, the judgment of the district court is AFFIRMED.

Price's motion for the appointment of counsel is DENIED. See Ulmer v. Chancellor, 691 F.2d 209, 212 (5th Cir. 1982).