

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 00-30808  
Conference Calendar

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JOSEPH C. HARRIS,

Plaintiff-Appellant,

versus

RICHARD L. STALDER; BURL CAIN; R. DWAYNE MCFATTER;  
EDMUNDO GUTIERREZ; GREMILION, Dr.; MORE, Dr.; MYERS, Dr.,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Middle District of Louisiana  
USDC No. 00-CV-172-C  
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February 14, 2001

Before SMITH, BARKSDALE, and EMILIO M. GARZA, Circuit Judges.

PER CURIAM:\*

Joseph C. Harris, Louisiana state prisoner # 118642, appeals the district court's dismissal of his 42 U.S.C. § 1983 civil rights actions as frivolous and for failure to state a claim, pursuant to 28 U.S.C. § 1915(e). In particular, Harris contends that the district court erred in determining that his case was time-barred.

Normally, when a complaint is dismissed for failure to state a claim based on its being time-barred, review is *de novo*.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Bazrowx v. Scott, 136 F.3d 1053, 1054 (5th Cir. 1998). However, because Harris did not file objections to the magistrate judge's report and recommendation, we review the findings accepted by the district court for plain error. Douglass v. United Services Auto. Ass'n, 79 F.3d 1415, 1428-29 (5th Cir. 1996)(en banc).

We have reviewed the record and brief submitted by Harris and find that the district court did not plainly err in determining that Harris's federal complaint was time-barred. See Burge v. Parish of St. Tammany, 996 F.2d 786, 788 (5th Cir. 1993); Elzy v. Roberson, 868 F.2d 793, 794-95 (5th Cir. 1989). Accordingly, the district court's dismissal of Harris's suit as frivolous and for failure to state a claim pursuant to 28 U.S.C. § 1915(e) is AFFIRMED.