

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 02-30019
Conference Calendar

JOE NATHAN TUBBS,

Plaintiff-Appellant,

versus

ANTHONY BATSON; ELIZABETH PEARSON;
MCI TELEPHONE CO.,

Defendants-Appellees.

Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 01-CV-1703

August 20, 2002

Before HIGGINBOTHAM, DAVIS, and PARKER, Circuit Judges.

PER CURIAM:*

Joe Nathan Tubbs, Louisiana prisoner number 68556, appeals the district court's dismissal of his 42 U.S.C. § 1983 civil rights suit as frivolous and for failure to state a claim. Tubbs argues that the district court erred in dismissing his suit without determining whether defendant Elizabeth Pearson filed false charges against him, whether he had been denied due process at his disciplinary hearing, and whether he had raised a valid

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

conspiracy claim. He does not, however, contend that the district court erred in dismissing his claim against defendant MCI. Because he does not present any argument concerning his claim against MCI, that claim is waived. See Yohey v. Collins, 985 F.2d 222, 224-25 (5th Cir. 1993).

Tubbs has not shown that the remaining defendants' alleged improper actions deprived him of a constitutional right. Madison v. Parker, 104 F.3d 765, 767 (5th Cir. 1997); Luken v. Scott, 71 F.3d 192, 193 (5th Cir. 1995). A violation of the plaintiff's constitutional rights is an essential element of a 42 U.S.C. § 1983 suit. Johnson v. Dallas Indep. Sch. Dist., 38 F.3d 198, 200 (5th Cir. 1994). Because Tubbs has not shown that the defendants violated his constitutional rights, he likewise has not shown that the district court erred in dismissing his 42 U.S.C. § 1983 suit. The judgment of the district court is AFFIRMED.