

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 02-50600
Conference Calendar

JALIL RAJAI FLOYD,

Plaintiff-Appellant,

versus

WAYNE SCOTT, Executive Director; GARY JOHNSON,
Executive Director Texas Department of Criminal Justice;
VICTOR RODRIGUEZ; WILLIAM BROOKS, Director,
Texas Department of Criminal Justice - Board of Pardon and
Paroles Division,

Defendants-Appellees.

Appeal from the United States District Court
for the Western District of Texas
USDC No. A-01-CV-688-SS

December 12, 2002

Before JOLLY, JONES, and WIENER, Circuit Judges.

PER CURIAM:*

Jalil Rajai Floyd appeals the district court's denial of his FED. R. Civ. P. 59(e) motion following the *sua sponte* dismissal of his 42 U.S.C. § 1983 complaint. Floyd generally asserts that the district should have permitted the voluntary withdrawal of his complaint so that he could have filed amended

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

pleadings. Because Floyd fails to demonstrate that the district court abused its discretion in denying his FED. R. CIV. P. 59(e) motion, we AFFIRM. See Edward H. Bolin Co. v. Banning Co., 6 F.3d 350, 353 (5th Cir. 1993).

AFFIRMED.