

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 02-60373  
Conference Calendar

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VERONICA MCCALLUP,

Plaintiff-Appellant,

versus

UNKNOWN HOFFMAN, Warden, ET AL.,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Southern District of Mississippi  
USDC No. 3:02-CV-185-BN  
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October 30, 2002

Before DeMOSS, BENAVIDES, and STEWART, Circuit Judges.

PER CURIAM:\*

Veronica McCallup, Mississippi state prisoner # K1256, appeals the district court's dismissal of her civil rights action as duplicative and therefore malicious. See 28 U.S.C. § 1915(e) (2)(B)(i). She asserts that she is seeking relief relative to unconstitutional acts which occurred after she had filed her prior actions.

The record in this case, as well as McCallup's allegations and arguments, indicate that she has raised the claims made in

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

her instant complaint in her prior lawsuits. McCallup has failed to demonstrate that the district court abused its discretion in dismissing her complaint as malicious, based on its being duplicative. See Bailey v. Johnson, 846 F.2d 1019, 1021 (5th Cir. 1988).

McCallup is also requesting relief on a number of claims that were not raised in her original complaint. These include claims that (1) the appellee hospital performed tests on her in retaliation for one of her previous lawsuits; (2) a Doctor Culpepper is liable to her as a coconspirator; (3) Lula Wolfe, a correctional officer, should be added as a codefendant; (4) McCallup has been held in isolation for two years; and (5) she should be granted injunctive relief.

These claims will not be considered on this appeal because they were not pleaded in McCallup's complaint and they do not involve purely legal questions. See Burch v. Coca-Cola Co., 119 F.3d 305, 319 (5th Cir. 1997); Kelly v. Foti, 77 F.3d 819, 822 (5th Cir. 1996).

AFFIRMED.