

**FILED**

August 7, 2007

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

Charles R. Fulbruge III  
Clerk

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No. 06-31231  
Summary Calendar

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LUDENCE ALFORD TURNBULL, JR

Plaintiff-Appellant,

versus

UNITED STATES OF AMERICA,

Defendant-Appellee.

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Appeal from the United States District Court  
for the Western District of Louisiana  
USDC No. 1:05-CV-1818  
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Before JOLLY, DENNIS, and PRADO, Circuit Judges.

PER CURIAM:\*

Ludence Alford Turnbull, Jr., federal prisoner # 50634-083, filed this suit under *Bivens v. Six Unknown Named Agents*, 403 U.S. 388 (1971), and the Federal Tort Claims Act to seek redress for loss of a portion of his trial transcripts. Turnbull argued that the loss of the transcripts infringed his right of access to courts. The district court dismissed the suit as frivolous, and Turnbull appeals this dismissal. He insists that his right of access to courts was

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

violated by the loss of his transcripts because this loss prevented him from timely filing a 28 U.S.C. § 2255 motion.

Turnbull has failed to show that he suffered any actual prejudice in connection with his claim of denial of access to courts. See *Christopher v. Harbury*, 536 U.S. 403, 415 (2002). He has likewise failed to show that the district court erred by dismissing his suit. See *Siglar v. Hightower*, 112 F.3d 191, 193 (5th Cir. 1997); 28 U.S.C. § 1915A. The judgment of the district court is AFFIRMED.