

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 92-1512  
Conference Calendar

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LAVOYD WAYNE HARDIN,

Plaintiff-Appellant,

versus

STATE OF TEXAS,

Defendant-Appellee.

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 1-92-CV-061-C  
- - - - -  
(January 22, 1993)

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

PER CURIAM:\*

Hardin contends on appeal solely that Texas' liability insurance law deprives Texans of their freedom of choice. A reviewing court will disturb a district court's dismissal of a pauper's complaint as frivolous only on finding an abuse of discretion. A district court may, sua sponte, dismiss a pauper's complaint as frivolous only "where it lacks an arguable basis either in law or in fact." Denton v. Hernandez, \_\_\_ U.S. \_\_\_, 112 S.Ct. 1728, 1733-34, 118 L.Ed.2d 340 (1992)(quoting Neitzke

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\* Local Rule 47.5 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that Rule, the Court has determined that this opinion should not be published.

v. Williams, 490 U.S. 319, 325 (1989)).

There exists no constitutional protection of any freedom of choice regarding the decision to purchase or not purchase automobile liability insurance. Hardin's contention therefore lacks an arguable basis in law and is frivolous.

APPEAL DISMISSED. See 5th Cir. R. 42.2.