

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 92-1936  
Conference Calendar

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BRICE CRAWFORD,

Plaintiff-Appellant,

versus

TOM PLUMLEE,

Defendant-Appellee.

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 3:92-CV-0809-G  
- - - - -

March 16, 1993

Before KING, HIGGINBOTHAM, and DAVIS, Circuit Judges.

PER CURIAM:\*

A district court may dismiss an in forma pauperis proceeding if the claim has no arguable basis in law and fact. Ancar v. Sara Plasma, Inc., 964 F.2d 465, 468 (5th Cir. 1992). The dismissal is reviewed for abuse of discretion. Id.

Crawford argues that his action is not time-barred because the limitation period does not begin to run until the plaintiff becomes aware of the constitutional violation. He states that he saw the defendant's report recommending a life sentence in

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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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

November 1985. He asserts that the harm and injury which he suffers is continuous in nature and will exist indefinitely or until his 40-year sentence expires.

When a cause of action accrues for the purposes of the statute of limitations is a matter of federal law: it accrues when the claimant "knows or has reason to know of the injury which is the basis of the action." Burrell v. Newsome, 883 F.2d 416, 418 (5th Cir. 1989) (internal quotations omitted). "Until September 1, 1987, §§ 16.001(a)(1) and (b) [of the Texas Civil Practice and Remedies Code] suspended the running of the limitations period against persons under the legal disability of imprisonment. However, by amendment effective September 1, 1987, Texas removed imprisonment from the list of legal disabilities." Henson-El v. Rogers, 923 F.2d 51, 52 (5th Cir. 1991). Therefore, because the relevant limitation period in Texas is two years, Crawford's action asserting an injury which accrued in November 1985 was time-barred when he filed it in 1992. His argument that his injury is continuous and thereby tolls the limitation period is frivolous. The district court did not abuse its discretion in dismissing the action under § 1915(d); the claim has no arguable basis in law and fact.

AFFIRMED.