

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 92-5311
Conference Calendar

GEORGE A. LOYD, SR.,

Plaintiff-Appellant,

versus

LEWIS SCOTT,

Defendant-Appellee.

- - - - -
Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 91-CV-1471
- - - - -

August 18, 1993

Before JOLLY, JONES, and DUHÉ, Circuit Judges.

PER CURIAM:*

George A. Loyd's allegation that his court-appointed attorney represented him ineffectively and pressured him to plead guilty has no legal basis under 42 U.S.C. § 1983. Polk County v. Dodson, 454 U.S. 312, 324-25, 102 S.Ct. 445, 70 L.Ed.2d 509 (1981); U.S. ex rel. Simmons v. Zibilich, 542 F.2d 259, 261 (5th Cir. 1976).

Loyd's district court pleadings did not allege a connection between the attorney and any state actor. See Richardson v.

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

Fleming, 651 F.2d 366, 371 (5th Cir. 1981). This Court will not consider his allegation, raised for the first time on appeal, that the attorney conspired with the district attorney, sheriff's department, and state court officials. Fransaw v. Lynaugh, 810 F.2d 518, 523 (5th Cir.), cert. denied, 483 U.S. 1008 (1987). We note that this claim would be time-barred if it were presented to the district court because correspondence in the record shows that Loyd was aware of the cause of action as early as June 1990. See Ali v. Higgs, 892 F.2d 438, 439 (5th Cir. 1990); La. Civ. Code Ann. art. 3492 (West Supp. 1992).

The dismissal of the suit as frivolous was within the discretion of the district court. 28 U.S.C. § 1915(d); Ancar v. Sara Plasma, Inc., 964 F.2d 465, 468 (5th Cir. 1992).

AFFIRMED.