

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 93-1468
Conference Calendar

HOLLIS MOORE,

Plaintiff-Appellant,

versus

STEVE ZABICA, Parole Officer,
ET AL.,

Defendants-Appellees.

- - - - -
Appeal from the United States District Court
for the Northern District of Texas
USDC No. 6:93-CV-0030-C
- - - - -
(October 28, 1993)

Before POLITZ, Chief Judge, and SMITH and WIENER, Circuit Judges.

PER CURIAM:*

Appellant Hollis Moore's motion to have his appeal heard on the original record is GRANTED. See Fed. R. App. P. 24(c). Moore, however, has sued officials only for the expeditious issuance of a warrant pursuant to Tex. Code Crim. Proc. Ann. art. 42.18 § 13(a) (West Supp. 1993). He has failed to allege how the performance of the statutory duties deprived him of any right that the Constitution protects. All he complained about is the timing of the warrant. He has not alleged any harm that he

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

suffered. See Memphis Community School Dist. v. Stachura, 477 U.S. 299, 308, 106 S. Ct. 2537, 91 L. Ed. 2d 249 (1986). Furthermore, the defendants would be immune. See Enlow v. Tishomingo County, 962 F.2d 501, 511 (5th Cir. 1992); Farrish v. Mississippi State Parole Bd., 836 F.2d 969, 975 n.13 (5th Cir. 1988); Griffin v. Leonard, 821 F.2d 1124, 1125 (5th Cir. 1987). Moore's appeal is frivolous. See Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983); 5th Cir. R. 42.2.

APPEAL DISMISSED.