

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 93-3064  
Summary Calendar

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LARRY D. BENOIT,

Petitioner-Appellant,

v.

STATE OF LOUISIANA PAROLE BOARD, ET AL.,

Respondents-Appellees.

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Appeal from the United States District Court  
for the Middle District of Louisiana  
(CA 92 592A M1)

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(September 22, 1993)

Before GARWOOD, JONES, and EMILIO M. GARZA, Circuit Judges.\*

EDITH H. JONES, Circuit Judge:

Petitioner Larry Benoit appeals the dismissal of his section 1983 action under 28 U.S.C. § 1915(d). We affirm.

In 1990, Benoit was convicted by a Louisiana court and was sentenced to serve two years. After his release, he filed this action under 42 U.S.C. § 1983. The magistrate judge recommended dismissal of the suit as frivolous, and the district court adopted the magistrate judges report and dismissed the action.

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

In his brief, Benoit complains that the district court's failure to grant him a stay prevented his appearance at his scheduled Spears hearing on September 18, 1992. He states that all he seeks is a Spears hearing, monetary damages, and state funds to pay for counseling and therapy he wants to receive.

Benoit has not presented any arguments or citation of authority to support his requests to this Court for ultimate relief. For that reason, the Court should not now consider his requests. Thompkins v. Belt, 828 F.2d 298, 302 (5th Cir. 1987). Benoit does argue that it was "misconduct" for the magistrate judge to provide him less than reasonable notice of the Spears hearing. Even if he was entitled to better notice, however, Benoit has not shown that he could have testified to facts at the hearing that would have demonstrated that his claims are not frivolous.

For the assigned reasons, the judgment of the district court is **AFFIRMED**.