

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 93-3444  
Conference Calendar

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BILLY RAY BROWN,

Plaintiff-Appellant,

versus

NANCYE ROUSEL STEIN,

Defendant-Appellee.

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Appeal from the United States District Court  
for the Eastern District of Louisiana  
USDC No. CA-93-1513-D-3  
- - - - -  
(January 6, 1994)

Before GARWOOD, JOLLY, and BARKSDALE, Circuit Judges.

PER CURIAM:\*

Billy Ray Brown challenges the dismissal without prejudice of his complaint pursuant to 28 U.S.C. § 1915(d). A district court may dismiss a pauper's complaint as frivolous "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 v. Williams, 490 U.S. 319, 325 (1989)). A district court's § 1915(d) dismissal is reviewed for an abuse of discretion. Id. at 1734.

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

"Section 1983 affords redress to a person who under color of state law deprives another person of any federal constitutional or statutory right." San Jacinto Sav. & Loan v. Kacal, 928 F.2d 697, 700 (5th Cir. 1991). Brown has not shown that the district court abused its discretion because nothing indicates that Stein arguably acted under color of state law.

The judgment is AFFIRMED.