

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 93-3521  
Conference Calendar

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STEVEN MOTEN,

Plaintiff-Appellant,

versus

JERRY LARPENTER, Sheriff,  
and JOHN WALKER, District Attorney,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Eastern District of Texas  
USDC No. CA-93-1773-N-5  
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(March 22, 1994)

Before KING, DAVIS, and DeMOSS, Circuit Judges.

PER CURIAM:\*

Steven Moten was convicted of manslaughter and sentenced to 42 years imprisonment as a multiple offender. State v. Moten, 510 So.2d 55 (La. Ct. App. 1987). He filed a civil rights complaint alleging that Houma Sheriff Jerry Larpenter and Houma District Attorney John Walker withheld a copy of the initial police report in violation of a state court order and Brady v. Maryland, 373 U.S. 83, 83 S.Ct. 1194, 10 L.Ed.2d 215 (1963). The district court determined that to the extent Moten sought relief

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

for the defendants' failure to comply with the state court order to provide him with the initial police report he was not entitled to relief because the federal courts cannot enforce state court judgments, and to the extent that he alleged a Brady violation, he was challenging the validity of his conviction and was required to exhaust his habeas remedies. The district court dismissed the complaint without prejudice to permit him to exhaust his habeas remedies.

Moten argues that the district court erred by dismissing his complaint without granting him a Spears hearing or otherwise permitting him to amend his complaint. A district court is not required to conduct a Spears hearing before dismissing an in forma pauperis complaint. See Green v. McKaskle, 788 F.2d 1116, 1120 (5th cir. 1986). Although ordinarily the district court should not dismiss a pro se complaint without providing the plaintiff with an opportunity to amend, if the individual circumstances of the case demonstrate the plaintiff has pleaded his "best" case, leave to amend is not necessary. See Jacquez v. Procunier, 801 F.2d 789, 793 (5th Cir. 1986). In his objections to the magistrate judge's report and in his brief on appeal, Moten has not provided any documentation to show that he has exhausted his habeas remedies and therefore the complaint is his "best" case. Jacquez, 801 F.2d at 793. The district court did not commit reversible error.

In his brief Moten addresses the merits of his Brady claim but does not challenge the district court's determination that he is actually challenging the validity of his conviction and

therefore must exhaust his habeas remedies before bringing a civil rights action. Because Moten failed to brief the exhaustion issue, the issue is considered abandoned. See Yohey v. Collins, 985 F.2d 222, 224-25 (5th Cir. 1993).

AFFIRMED.