IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 93-5237
Conference Calendar

DAVID REESE,

Plaintiff-Appellant,

versus

LIBBY TIGNER,

Defendant-Appellee.

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Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 92-CV-812

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(March 22, 1994)

Before KING, DAVIS, and DeMOSS, Circuit Judges.

PER CURIAM:[*]

David Reese filed this civil rights action under 42 U.S.C. § 1983 against Libby Tigner, the Sentence Computation Director of the Avoyelles Correctional Center, alleging that he was required to remain in prison longer than he should have because Tigner incorrectly calculated his release date. Tigner filed a motion for summary judgment, Reese did not respond, and the district court granted the motion. Reese argues on appeal that the district court failed to consider his argument regarding La. Rev. Stat. Ann. 15:571.4 (West 1992) and the fact that his full term date was changed from August 1990 to August 1989.

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

This Court reviews a summary judgment *de novo*. Abbott v. Equity Group, Inc., 2 F.3d 613, 618 (5th Cir. 1993). Summary judgment may be granted if there is "`no genuine issue as to any material fact and . . . the moving party is entitled to a judgment as a matter of law.'" Id. at 618-19 (quoting Fed. R. Civ. P. 56(c)).

Although the district court did not address this issue raised by Reese in his complaint and now in his brief, this Court may affirm the district court's grant of defendant's motion for summary judgment on other grounds. Lavespere v. Niagara Mach. & Tool Works, Inc., 920 F.2d 259, 262 (5th Cir. 1990).

Defendant's summary judgment evidence shows that Reese's original full term date was August 15, 1990, and this fact is not disputed by Reese. Reese received credit for good time and was released from prison by diminution of sentence pursuant to 15:571.5 on May 9, 1988. He was arrested on parole violations and was returned to prison on September 21, 1990.

Reese's argument is that due to the operation of 15:571.4, his full term date was changed from August 1990 to August 1989, that his sentence was completed as of August 1989 while he was out on parole, before the charged parole violations, and so he could not be returned to prison on the parole violations. Reese's legal argument is simply incorrect. When a prisoner is released from prison pursuant to 15:571.5 for diminution of sentence, he remains under supervision for the remainder of the "**original full term of sentence**." 15:571.5(B)(2) (emphasis added). Reese was subject to the conditions of his release until

his **original** full term date of August 15, 1990, not a revised full term date after deductions for good time. He acknowledged this when he signed the diminution of sentence form upon his release in May of 1988. Reese has not demonstrated that any action of Tigner caused him to remain in prison longer than required. There is no genuine issue of material fact on this issue, and the defendant is entitled to judgment as a matter of law.

Reese argues that he did not respond to Tigner's motion for summary judgment because he did not know what to file or how. Ignorance does not excuse a pro se litigant's failure to respond to a motion for summary judgment. Martin v. Harrison County Jail, 975 F.2d 192, 193 (5th Cir. 1992).

Reese also argues that the district court incorrectly dismissed his claim for failure to exhaust his habeas remedies. The district court did not give this as a reason for granting summary judgment, and in fact, specifically found that Reese did not have to exhaust habeas remedies because he was no longer incarcerated.

He also argues that he was illegally extradited from North Carolina on the parole violations without a hearing and that persons unknown in North Carolina and Louisiana have conspired against him to cover up the wrong done to him and to hide the truth from him. Reese did not raise these claims in the district court, and they should not be considered for the first time on appeal. See Beck v. Lynaugh, 842 F.2d 759, 762 (5th Cir. 1988).

AFFIRMED.