

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 93-8175
Conference Calendar

DOUGLAS ARTHUR COUPAR,

Plaintiff-Appellant,

versus

CARLOS ORTIZ, Warden,

Defendant-Appellee.

- - - - -
Appeal from the United States District Court
for the Western District of
USDC No. EP-92-CA-240(B)
- - - - -
(March 22, 1994)

Before KING, DAVIS, and DeMOSS, Circuit Judges.

PER CURIAM:*

Coupar argues that the district court abused its discretion in dismissing his § 2241 petition as frivolous for failure to exhaust administrative remedies. A prisoner challenging a Parole Commission's decision is required to exhaust his administrative remedies before seeking habeas relief in federal court under 28 U.S.C. § 2241. See Smith v. Thompson, 937 F.2d 217, 219 (5th Cir. 1991). The record reflects that Coupar has exhausted his administrative remedies.

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

However, this Court can affirm the district court's dismissal, because Coupar's complaint does not state a viable claim for habeas relief. See Sojourner T. v. Edwards, 974 F.2d 27, 30 (5th Cir. 1992), cert. denied, 113 S.Ct. 1414 (1993). Coupar's complaint alleges that the Parole Commission denied him parole after viewing false information in his prison file which created the impression that he was a "trouble maker." The Parole Commission has absolute discretion concerning matters of parole. Maddox v. United States Parole Commission, 821 F.2d 997, 999 (5th Cir. 1987). "[I]t is not the function of the courts to review . . . the credibility of reports and information received by the Board in making its determination." Id. at 999-1000 (internal citation omitted). The district court's dismissal of Coupar's complaint is AFFIRMED.

Coupar also complains for the first time on appeal that the Parole Commission's failure to reopen his case and investigate his allegation that one of his hearing examiners is the uncle of the wife of Coupar's former case manager. As a general rule, this Court does not review issues raised for the first time on appeal. Yohey v. Collins, 985 F.2d 224, 225 (5th Cir. 1993).