UNITED STATES COURT OF APPEALS

FOR THE FIFTH CIRCUIT

No. 93-9164
Summary Calendar

JIMMY L. JONES,

Plaintiff-Appellant,

versus

CAMERON CREEK APARTMENTS, ET AL.,

Defendants-Appellees.

Appeal from the United States District Court
for the Northern District of Texas
(4:93-CV-607-A)

(May 18, 1994)

Before POLITZ, Chief Judge, KING and WIENER, Circuit Judges.

PER CURIAM:[*]

Jimmy L. Jones appeals a dismissal under 28 U.S.C. § 1915(d) of his *pro se, in forma pauperis* employment discrimination suit. We affirm.

Jones was terminated as a porter at the Cameron Creek Apartments the day after he walked off the job claiming to be ill.

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

A letter he wrote to the district court was treated as a complaint. Read liberally, the letter-complaint alleges that Jones's termination was motivated by a discriminatory animus based either on his age, race, or disability. Jones is a 62-year-old black male with a speech impediment caused by a stroke.

The district court conducted a **Spears**[1] hearing to determine the factual basis for Jones's complaint. Jones responded to questions, hypothesizing that his former employer was hostile toward him because of his race, disability, or age. The district court found that "in reality, [Jones] does not have any idea why he was terminated. The facts giving rise to [his] complaint are simply that [he] notified his employer that he was going home one day instead of completing the work that he had been assigned" and he was promptly terminated. The district court dismissed the complaint under 28 U.S.C. § 1915(d), finding that Jones had no realistic chance of ultimate success.[2] Jones timely appealed.

We review section 1915(d) dismissals for abuse of discretion.[3] All litigants, including *pro se* litigants, must allege facts which, if true, would constitute a legally cognizable wrong.[4] Even as

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[1]**Spears v. McCotter**, 766 F.2d 179 (5th Cir. 1985).

[2]The district court cited **Cay v. Estelle**, 789 F.2d 318 (5th Cir. 1986) for this basis of dismissal. Under subsequent decisions by the Supreme Court and this court, section 1915(d) frivolous dismissals must be grounded on a finding that the claim has no arguable basis in fact or law. **Denton v. Hernandez**, 112 S.Ct. 1728 (1992); **Booker v. Koonce**, 2 F.3d 114 (5th Cir. 1993).

[3]**Denton**; **Eason v. Thaler**, 14 F.3d 8 (5th Cir. 1994).

[4]See, e.g., **Denton** (dismissal under section 1915(d) is appropriate where complaint lacks an arguable basis in law or

developed by the **Spears** hearing, Jones's claim consists of the single allegation that his supervisors were generally hostile toward him, followed by an enormous leap of logic to the wholly unsupported conclusion that both their hostility and his termination were based upon one of the three named types of impermissible discrimination.[5]

Jones could not articulate a factual basis for his claims in either his letter complaint or his **Spears** oral amendment to the pleadings. He has not set forth an arguable basis in fact for his Title VII claim. The complaint was properly dismissed. The dismissal is deemed to be without prejudice.[6]

AFFIRMED.

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fact).

[5]Jones stated: "I felt their hostility toward me from the onset. I am not clear if the hostility is because of my handicap, age, or race."

[6]**Graves v. Hampton**, 1 F.3d 315 (5th Cir. 1993).