

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 94-10772  
Conference Calendar

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MILLER BRANCH,

Plaintiff-Appellant,

versus

J. MARSHALL, Assistant District  
Attorney, and PRESIDENT OF THE  
UNITED STATES,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 3:94-CV-901-R

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(November 16, 1994)

Before JONES, DUHÉ, and PARKER, Circuit Judges.

PER CURIAM:\*

Miller Branch's pro se civil rights complaint pursuant to 42 U.S.C. § 1983 was dismissed prior to service on the defendants as frivolous pursuant to 28 U.S.C. § 1915(d).

Branch's request for imposition of costs lacks a factual basis. No costs were incurred in effecting service, because the defendants were not served.

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

We therefore dismiss the appeal as frivolous because it does not present an issue of arguable legal merit. See Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983); 5th Cir. R. 42.2.

DISMISSED.