

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 94-11066
Conference Calendar

SAMUEL DEWAYNE SNOWDEN,

Plaintiff-Appellant,

versus

PHILIP M. WILSON, Attorney
at Law,

Defendant-Appellee.

- - - - -
Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:94-CV-1130-P
- - - - -

(January 26, 1995)

Before POLITZ, Chief Judge, and HIGGINBOTHAM and DeMOSS,
Circuit Judges.

PER CURIAM:*

To recover under 42 U.S.C. § 1983, Snowden must show the deprivation of a constitutional right by a person acting under color of state law. See Briscoe v. LaHue, 460 U.S. 325, 329-30, 103 S. Ct. 1108, 75 L. Ed. 2d 96 (1983); Daniel v. Ferguson, 839 F.2d 1124, 1128 (5th Cir. 1988). Because Snowden's counsel is a private individual, not a state actor, Snowden's complaint lacks an arguable basis in law for recovery under § 1983. See Gipson

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

v. Rosenberg, 797 F.2d 224, 225 (5th Cir. 1986), cert. denied,
481 U.S. 1007 (1987)

Snowden has not presented a nonfrivolous issue on appeal.
Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983). His appeal
is DISMISSED as frivolous. See 5th Cir. R. 42.2.