

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 94-20236
Conference Calendar

LLOYD J. GLAZE,

Plaintiff-Appellant,

versus

DR. P. D. NGUYEN
ET AL.,

Defendants-Appellees.

- - - - -
Appeal from the United States District Court
for the Southern District of Texas
USDC No. CA H-91-1972

- - - - -
(September 21, 1994)

Before KING, SMITH, and BENAVIDES, Circuit Judges.

PER CURIAM:*

Lloyd J. Glaze argues that he was denied the opportunity to prove his allegations brought in his civil rights suit. The district court dismissed the complaint as legally frivolous, pursuant to 28 U.S.C. § 1915(d), because the allegations, as found in Glaze's complaint and as developed through the use of a questionnaire and a Spears** hearing, did not amount to a denial

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

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

of a federal right under 42 U.S.C. § 1983. The proof of the allegations was never in issue. The argument is frivolous.

Because Glaze is pro se, we accord liberal construction to his appellate brief. See Haines v. Kerner, 404 U.S. 519, 520, 92 S. Ct. 594, 30 L. Ed. 2d 652 (1972). Even so, Glaze fails to argue the propriety of the district court's determination of frivolousness. Because the issue has not been presented on appeal, we do not address it. See Hobbs v. Blackburn, 752 F.2d 1079, 1083 (5th Cir.), cert. denied, 474 U.S. 838 (1985).

Because Glaze fails to present a nonfrivolous issue, the appeal is frivolous. 5th Cir. R. 42.2.

APPEAL DISMISSED.