IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 94-20936
Conference Calendar

ROY GENE FRANKLIN,

Plaintiff-Appellant,

versus

JACK B. PURSLEY ET AL.,

Defendants-Appellees.

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Appeal from the United States District Court
for the Southern District of Texas
USDC No. CA H 94-1584

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March 21, 1995

Before GARWOOD, BARKSDALE, and STEWART, Circuit Judges.

PER CURIAM:*

On May 11, 1994, Roy Gene Franklin filed an in forma pauperis (IFP) civil rights complaint, 42 U.S.C. § 1983, alleging that he was denied due process because he was placed in prehearing detention from December 17, 1991, through December 24, 1991, without a hearing. There is no federal statute of limitations for § 1983 actions, and the federal courts borrow the forum state's general personal injury limitations period. Henson-El v. Rogers, 923 F.2d 51, 52 (5th Cir.), cert. denied,

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

501 U.S. 1235 (1991). The forum state of Texas has a limitations period of two years. Tex. Civ. Prac. & Rem. Code § 16.003(a) (West 1986). Although the federal courts look to state law to determine the applicable statute of limitations, they look to federal law to determine when the cause of action accrues. Pete v. Metcalfe, 8 F.3d 214, 217 (5th Cir. 1993). Under federal law a cause of action accrues at the time the plaintiff "knows or has reason to know of the injury which is the basis of the action." Id. (internal quotations and citation omitted).

Franklin knew, or reasonably should have known, of the alleged injury in December 1991 but did not file his complaint until May 1994. His claim is barred by the applicable statute of limitations.

AFFIRMED.