

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 94-20939  
Conference Calendar

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ROY ANTHONY HUNT,

Plaintiff-Appellant,

versus

HARRIS COUNTY, TEXAS, 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 94-3897  
- - - - -

August 22, 1995

Before KING, JOLLY, and WIENER, Circuit Judges.

PER CURIAM:\*

Roy Anthony Hunt has appealed the dismissal of his civil rights action alleging claims of false arrest and malicious prosecution. He stated in his complaint that he was filing it because his other civil rights action, based on the same facts, went to trial only on whether excessive force was used in arresting him. Hunt stated that in his prior action he also alleged claims of false imprisonment and malicious prosecution. His appeal relative to the earlier action is pending in this court, Nos. 94-20425 and 95-20095, Hunt v. City of Houston.

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 Pursuant to that Rule, the court has determined that this opinion should not be published.

The court dismissed the instant action, Hunt v. Harris County, without prejudice, on authority of 28 U.S.C. § 1915(d). The court reasoned that "this complaint has no arguable basis in law and fact, and no realistic chance of ultimate success." The district court did not err by dismissing the action without prejudice.

"When the judgment of the district court is correct, it may be affirmed on appeal for reasons other than those given or relied on below." Terrell v. University of Texas System Police, 792 F.2d 1360, 1362 n.3 (5th Cir. 1986), cert. denied, 479 U.S. 1064 (1987). The district court's judgment will be affirmed on grounds "that an IFP complaint that merely repeats pending or previously litigated claims may be considered abusive and dismissed under the authority of section 1915(d)." Bailey v. Johnson, 846 F.2d 1019, 1021 (5th Cir. 1988).

AFFIRMED.