

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 94-40028
Conference Calendar

HAROLD E. JACKSON,

Plaintiff-Appellant,

versus

POLICE DEPT. CITY OF JONESBORO
and JONESBORO COURTHOUSE,

Defendants-Appellees.

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Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 93-CV-733

- - - - -
(July 21, 1994)

Before POLITZ, Chief Judge, and JOLLY and DAVIS, Circuit Judges.

PER CURIAM:*

Harold Jackson argues his underlying claims on appeal but does not address the district court's dismissal on the basis of prescription. Pursuant to Wilson v. Garcia, 471 U.S. 261, 276-279, 105 S.Ct. 1938, 85 L.Ed.2d 254 (1985), this Court held that the timeliness of § 1983 claims should be analyzed by reference to the Louisiana statute of limitations for personal injury actions which provides for a one-year limitations period. Elzy

* 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 Pursuant to that Rule, the Court has determined that this opinion should not be published.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. Roberson, 868 F.2d 793, 794 (5th Cir. 1989); see also La. Civ. Code ann. art. 3492 (West Supp. 1994) (delictual actions are subject to a liberative prescription of one year commencing to run from the day the injury or damage is sustained). Because it is undisputed that the latest date that Jackson suffered damage is October 1991 and that he did not file suit until approximately eighteen months later, the district court did not err in holding that the applicable statute of limitations barred the action.

This appeal is without arguable merit and thus frivolous. Howard v. King, 707 F.2d 215, 219-220 (5th Cir. 1983). Because the appeal is frivolous, it should be dismissed. 5th Cir.

R. 42.2.

DISMISSED.