

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 94-40749  
Conference Calendar

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VALENTINO B. ADEPEGBA,

Plaintiff-Appellant,

versus

STATE OF LOUISIANA ET AL.,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Western District of Louisiana  
USDC No. 94 0483

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(November 17, 1994)

Before JONES, DUHÉ, and PARKER, Circuit Judges.

PER CURIAM:\*

In March 1994 Valentino B. Adepegba filed an in forma pauperis civil rights complaint alleging Fourth Amendment violations arising from a 1985 traffic stop. The district court dismissed the complaint with prejudice as frivolous because the claims were barred by the applicable statute of limitations. On appeal Adepegba argues the merits of his claims but does not address the basis of the district court's dismissal. Issues not raised or briefed are considered abandoned. Evans v. City of Marlin, Tex., 986 F.2d 104, 106 n.1 (5th Cir. 1993).

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

To the extent that he argues that the district court improperly dismissed the complaint without service of process or issuing interrogatories, this argument is without merit. The district court may dismiss a complaint as frivolous without additional proceedings if the individual circumstances of the case demonstrate that the plaintiff has pleaded his "best" case. See Jacquez v. Proconier, 801 F.2d 789, 793 (5th Cir. 1986).

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, 501 U.S. 1235 (1991). The forum state of Louisiana has a limitations period of one year. La. Civ. Code Ann. art. 3492 (West 1993). 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. Burrell v. Newsome, 883 F.2d 416, 418 (5th Cir. 1989). 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. Adepegba knew of the allegedly illegal search in April 1985, and therefore he had to file his complaint by April 1986. His complaint was filed in March 1994, nearly eight years after the limitations period expired. The district court properly dismissed the complaint as frivolous without service of process or the filing of interrogatories.

The appeal is without arguable merit and thus frivolous. Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983). Because the appeal is frivolous, it is DISMISSED. 5th Cir. R. 42.2.