

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 94-40826  
Conference Calendar

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SHEPHARD WATSON,

Plaintiff-Appellant,

versus

RODNEY C. BALSAMO, Detective,  
Port Arthur Police Department, ET AL.,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Eastern District of Texas  
USDC No. 1:94-CV-386

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(November 17, 1994)

Before JONES, DUHÉ, and PARKER, Circuit Judges.

PER CURIAM:\*

Shephard Watson appeals the dismissal of his civil rights complaint pursuant to 28 U.S.C. § 1915(d) as time-barred. A district court may dismiss an in forma pauperis (IFP) complaint as frivolous if it lacks an arguable basis in either law or fact. Denton v. Hernandez, \_\_\_ U.S. \_\_\_, 112 S. Ct. 1728, 1733, 118 L. Ed. 2d 340 (1992). This Court reviews a district court's § 1915(d) dismissal for abuse of discretion. Id. at 1734.

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

There is no federal statute of limitations for actions brought pursuant to 42 U.S.C. § 1983. Federal courts borrow the forum state's general personal injury limitations period. Owens v. Okure, 488 U.S. 235, 249-50, 109 S. Ct. 573, 102 L. Ed. 2d 594 (1989); Ali v. Higgs, 892 F.2d 438, 439 (5th Cir. 1990). In Texas, the applicable period is two years. Tex. Civ. Prac. & Rem. Code §16.003(a) (West 1986); Burrell v. Newsome, 883 F.2d 416, 418 (5th Cir. 1989). Federal law determines the date the cause of action accrues. Burrell, 883 F.2d at 418. Under federal law, accrual begins "when the plaintiff knows or has reason to know of the injury which is the basis of the action." Id. (internal quotation marks and citation omitted).

The conduct that Watson complains of was known to him from the date of its alleged occurrence, June 27, 1991. Under the Texas statute of limitations, Watson had until June 27, 1993, to file a complaint challenging that conduct. Although he contends on appeal that he attempted to file such a complaint in 1991, his district-court argument that he did not become aware of the officer's conduct until 1992 when he started researching the basis of his arrest and conviction contradicts this assertion. Moreover, Watson's exhibits do not establish that the pleadings he purportedly filed in 1991 pertained to the incident made the basis of the present § 1983 complaint.

Because there was no abuse of discretion in dismissing the complaint as time-barred, the judgment of the district court is AFFIRMED.