

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 94-41296
Conference Calendar

EDWARD T. LAIN,

Plaintiff-Appellant,

versus

LINDA M. MEYER,

Defendant-Appellee.

- - - - -
Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 94-CV-1466
- - - - -
(March 23, 1995)

Before GARWOOD, BARKSDALE, and STEWART, Circuit Judges.

PER CURIAM:*

To obtain relief under 42 U.S.C. § 1983, a plaintiff must prove that he was deprived of a federal constitutional or statutory right and that the persons depriving him of that right acted under color of state law. Hernandez v. Maxwell, 905 F.2d 94, 95 (5th Cir. 1990). Private attorneys are not official state actors and are generally not subject to suit under § 1983. See Mills v. Criminal Dist. Court No. 3, 837 F.2d 677, 679 (5th Cir. 1988).

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

Because Lain's allegations indicate that Meyer did not act under color of state law, his § 1983 complaint lacks an arguable basis in law and in fact. The district court did not abuse its discretion in dismissing Lain's complaint as frivolous.

The appeal, too, is frivolous, and it is DISMISSED. See 5th Cir. R. 42.2.