

UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 94-60566  
Summary Calendar

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LAFELDT RUDD,

Plaintiff-Appellant,

versus

BARBARA DUNN, ET AL.,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Southern District of Mississippi  
(3:94-CV-12)

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(February 16, 1995)

Before JONES, BARKSDALE and BENAVIDES, Circuit Judges.

PER CURIAM:\*

Appellant Rudd, a prisoner in Mississippi, appeals the dismissal of his civil rights action as frivolous. In January, 1994, he sued Barbara Dunn, Circuit Court Clerk of Hinds County, and Linda Stone, Clerk of the Mississippi Supreme Court, alleging that they conspired to prevent him from appealing his criminal conviction. Rudd alleged that he mailed his notice of appeal to

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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 Pursuant to that Rule, the Court has determined that this opinion should not be published.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 Circuit Court Clerk and to the Mississippi Supreme Court on May 15, 1990. He later wrote to Stone inquiring whether her office had received the notice of appeal. Rudd alleged that he received her response on July 17, 1990, and Stone falsely denied that she had received Rudd's notice of appeal. Dunn, Rudd alleged, delayed his appeal by failing to send to the Supreme Court his criminal records and transcripts.

The district court properly held that under Mississippi law, which provides the applicable statute of limitations for federal civil rights actions, Rudd's claims are time-barred. Mississippi Code Ann. § 15-1-49 establishes a general personal injury limitations of three years. See Thomas v. New Albany, 901 F.2d 476 (5th Cir. 1990). Limitations began to run under § 1983 no later than July 17, 1990, the date Rudd learned that his appeal had allegedly NOT been timely filed. He filed his suit six months after the three-year limitations had expired. The district court therefore properly concluded that Rudd's complaint should be dismissed as frivolous pursuant to § 1915(d) because it has no arguable basis in law. Booker v. Koonce, 2 F.3d 114, 115 (5th Cir. 1993).<sup>1</sup>

The judgment of the district court is AFFIRMED.

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<sup>1</sup> Rudd alleged in the trial court that his attorneys Tucker and Stribling conspired to stop his appeal and that he received ineffective assistance of counsel because of Tucker's failure to perfect his appeal. It is difficult enough to understand what Rudd has alleged in his brief to this court. Most certainly, however, he has not even mentioned his claims against Tucker or Stribling, and they are therefore abandoned.