

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 94-60570
Conference Calendar

J. L. JOHNSON,

Plaintiff-Appellant,

versus

PORTER ROBERTS, ET AL.,

Defendants-Appellees.

- - - - -
Appeal from the United States District Court
for the Northern District of Mississippi
USDC No. 1:93-CV-191-D-D
- - - - -

March 21, 1995

Before GARWOOD, BARKSDALE, and STEWART, Circuit Judges.

PER CURIAM:*

The district court correctly dismissed James L. Johnson's civil rights suit for false arrest as time-barred. See Pete v. Metcalfe, 8 F.3d 214, 217 (5th Cir. 1993). Had Johnson sued for malicious prosecution, the suit might not have been time-barred. See Brummet v. Camble, 946 F.2d 1178, 1184 (5th Cir. 1991), cert. denied, 112 S. Ct. 2323 (1992); Heck v. Humphrey, 114 S. Ct. 2364, 2370 (1994).

Johnson argues in this court that he did sue for malicious prosecution. Johnson, however, did not claim malicious prosecution in his original complaint or in his two supplemental

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

complaints.

Pro se pleadings must be liberally construed. Haines v. Kerner, 404 U.S. 519, 520 (1972). Nevertheless, we do not address issues not considered by the district court. "[I]ssues raised for the first time on appeal are not reviewable by this court unless they involve purely legal questions and failure to consider them would result in manifest injustice." Varnado v. Lynaugh, 920 F.2d 320, 321 (5th Cir. 1991). Johnson's argument that he sued for malicious prosecution is without merit.

Johnson's other arguments are also unavailing. A plaintiff's pro se status is no bar to a statute of limitations defense. E.g., Pete, 8 F.3d at 217. In the district court, Johnson stated no date nor referred to any continuing event that could give the impression that any defendant persisted in violating his rights any later than the specific events alleged. See Varnado, 920 F.2d at 321. Johnson presented no exceptional circumstances that would have entitled him to appointed counsel. See Ulmer v. Chancellor, 691 F.2d 209, 212 (5th Cir. 1982).

We have reviewed the dismissal of Johnson's action de novo. Jackson v. City of Beaumont Police Dep't, 958 F.2d 616, 618 (5th Cir. 1992). The judgment of the district court is

AFFIRMED.