

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 94-60809
Conference Calendar

RODNEY GLEN RICE,

Plaintiff-Appellant,

versus

THE STATE OF TEXAS ET AL.,

Defendants-Appellees.

- - - - -
Appeal from the United States District Court
for the Southern District of Texas
USDC No. L-93-198
- - - - -

June 30, 1995

Before JONES, WIENER, and EMILIO M. GARZA, Circuit Judges.

PER CURIAM:*

Rodney Glen Rice filed a pro se, in forma pauperis (IFP) civil rights complaint, 42 U.S.C. § 1983, alleging that he was denied access to the courts because the law library at the Cotulla Detention Center (CDC) was inadequate. The district court dismissed the complaint as frivolous under 28 U.S.C. § 1915(d).

A plaintiff cannot state a cognizable denial-of-access-to-the-courts claim if the plaintiff's position was not prejudiced by the alleged deprivation. Henthorn v. Swinson, 955 F.2d 351,

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 Pursuant to that Rule, the court has determined that this opinion should not be published.

354 (5th Cir.), cert. denied, 112 S.Ct. 2974 (1992). Rice admitted that he requested and received an extension of time to file his petition for discretionary review (PDR), and that he submitted a timely 20-page PDR to the Texas Court of Criminal Appeals alleging the factual basis of his challenge to his conviction. He has not demonstrated that the PDR was denied because of the allegedly inadequate law library at the CDC, and the district court did not abuse its discretion by dismissing his complaint as frivolous.

AFFIRMED.