

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 95-10455  
Conference Calendar

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RONNIE TOLER,

Plaintiff-Appellant,

versus

CARRIE TOLER,  
FRENCH EARL RICHARDSON,  
T.J. RICHARDSON, CORTNEY TOLER,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 95-CV-00078  
- - - - -

August 23, 1995

Before KING, JOLLY, and WIENER, Circuit Judges.

PER CURIAM:\*

"To state a claim under § 1983, a plaintiff must (1) allege a violation of rights secured by the Constitution or laws of the United States and (2) demonstrate that the alleged deprivation was committed by a person acting under color of state law."

Leffall v. Dallas Indep. Sch. Dist., 28 F.3d 521, 525 (5th Cir. 1994).

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 Pursuant to that Rule, the court has determined that this opinion should not be published.

Toler failed to state a cognizable § 1983 claim, as his complaint relates to the application of Texas state probate law, a matter more appropriately left to the Texas state court. See Robertson v. Robertson, 803 F.2d 136, 138 (5th Cir. 1986).

AFFIRMED.