

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-20485
Summary Calendar

DERRICK MINAFEE,

Plaintiff-Appellant,

versus

STEVEN JEFFREYS,

Defendant-Appellee.

Appeal from the United States District Court
for the Southern District of Texas
(CA-H-95-795)

July 9, 1996

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

Per Curiam:*

Derrick Minafee argues that the district court abused its discretion in dismissing his 42 U.S.C. § 1983 complaint as frivolous based on the complaint being time-barred by the statute of limitations. After thorough review of the record, the opinion of the district court, and the brief, we find that the dismissal of the complaint as frivolous should be affirmed because, regardless of timeliness, the action is frivolous. *See Lynch v. Cannatella*, 810 F.2d 1363, 1376 (5th Cir. 1987).

AFFIRMED.

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.